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EXECUTIVE DOCUMENTS .

PRINTED BY ORDER OF

THE HOUSE OF REPRESENTATIVES

DURING THE

SECOND SESSION OF THE THIRTY-EIGHTH CONGRESS,

1864--'65.

IN FIFTEEN VOLUMES.

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WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1865.

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OF THE

PRESIDENT OF THE UNITED STATES,

AND

ACCOMPANYING DOCUMENTS,

TO THE

TWO HOUSES OF CONGRESS,

AT

THE COMMENCEMENT OF THE SECOND SESSION

OF

THE THIRTY-EIGHTH CONGRESS.

PART III.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1865.

P A P E R S

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CORRESPONDENCE.

FRANCE

Mr. Dayton to Mr. Seward.

No. 378.]

PARIS, November 19, 1863.

SIR: I have the honor to acknowledge the receipt of your despatch No. 425; and so likewise your despatch enclosing me a copy of the communication from the government of France to that of the United States, on the subject of equipping, victualling, or receiving Russian privateers into our ports, was duly received; but, as you will already have learned by my despatches, which you have doubtless received since yours was written, it was unnecessary. Having found copies of that despatch from the French government in the British parliamentary papers, as well as in the 6th edition of Wheaton's International Law, I had fully anticipated your wishes, by communicating the same to Mr. Drouyn de l'Huys, accompanied by a communication, dated November 6, anticipating all the suggestions made by you.

A copy of this communication to Mr. Drouyn de l'Huys I enclosed to you in my despatch No. 372,* to which I beg to refer you. I have only to add that no answer has been received to my communication from Mr. Drouyn de l'Huys. It is proper to say, however, that I believe he has been much engaged recently upon pending European questions, and at present he is not in Paris, but with the Emperor at Compiègne, where he will yet remain for some days.

The Emperor's speech at the opening of the Corps Legislatif, and his subsequent letter to the different governments of Europe, inviting them to a congress at Paris, continue to attract much attention. Questions connected with this subject, I am inclined to think, occupy principally the attention of the cabinet here.

I am anxious to see Mr. Drouyn de l'Huys upon a number of pending questions, but there is no chance of doing so until his return.

I am, sir, your obedient servant,

WILLIAM L. DAYTON.

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 379.]

PARIS, November 27, 1863.

SIR: I yesterday saw Mr. Drouyn de l'Huys for the first time within the last fortnight. His absence from Paris, and pressing engagements the week before, have prevented his receiving the diplomatic corps for business.

I called his attention at once to the *Florida* at Brest, and to the repairs and recruitment of her crew, reading to him extracts from letters I had received on the subject. He begged I would give him a copy of these papers, and I have this morning sent the same to him. I send you herewith a copy of my communication to him, which will itself explain the condition of things here, both as respects the *Florida* and the vessels now being built at Bordeaux for the confederates.

I ought to add that he said that if any change or improvement in the batteries or fighting powers of the *Florida* had been made, it was against law and against orders. He said, furthermore, that he had himself personally informed Messrs. Arman & Voruz, (the constructor and iron founder,) engaged on those vessels now being built at Bordeaux and Nantes, that the work thereon must cease, unless they could satisfy him that they were honestly intended for another government; and he added to me that he would at once refer their proceedings to the minister of marine.

We have obtained an elaborate opinion from — that all the parties engaged on those vessels, at Bordeaux and Nantes, are responsible to the criminal laws of France. We cannot proceed, however, against Mr. Arman personally, except by an application to and permission from the Corps Legislatif, of which body he is a member. I have already asked you what you thought of the propriety, or rather the wisdom, of this course of proceeding. I am very averse to initiate a proceeding at law unless quite sure of the result. If adverse, the consequences would be injurious.

I am, sir, your obedient servant,

WILLIAM L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

PARIS, November 27, 1863.

MONSIEUR LE MINISTRE: Herewith I enclose to your excellency the copy of an extract from a letter addressed to me by Mr. Davisson, United States consul at Marseilles, dated November 24, 1863, in reference to the construction of two of the vessels now being built for the confederates at that port. One of these vessels is advertised in the "*Gironde*," of that city, to sail on the 28th of February, and the other on the 31st of March. The pretence that they are intended for the China seas is yet kept up in this advertisement, though the papers heretofore shown to your excellency (especially the letter of Mr. Arman) afford the clearest evidence that this pretence is a false one.

I enclose you, likewise, the copy of an extract of a letter from Captain Winslow, of the United States ship *Kearsarge*, in reference to the assistance and repairs made upon the confederate ship *Florida*, at Brest. To these two subjects I called the attention of your excellency on yesterday, when I likewise apprised you of the fact that they were recruiting a crew for that vessel in the ports of France, and that twenty-six men had already been enlisted in the ports of Havre and Nantes, prior to the 11th instant. They have not yet been received on board the *Florida*, though kept in pay by that vessel, and ready to be shipped when the complement is complete. The *Florida* is ready now to go to sea, and may do so at any day, unless prevented by the authority of this government.

I regret, likewise, to be under the necessity of enclosing to your excellency the copy of a letter received this morning from our consul at Calais. It would seem from this that another confederate steamer, the *Rappahannock*, has just arrived in that port, and is awaiting aid. The same protests which have been made in respect to the others, I beg to extend to her.

I am, sir, your very obedient servant,

WM. L. DAYTON.

His Excellency M. DROUVN DE L'HUYS,
Minister of Foreign Affairs, Paris.

Mr. Dayton to Mr. Seward.

No. 380.]

PARIS, *November 27, 1863.*

SIR: In the course of my conversation with Mr. Drouyn de l'Huys yesterday, I referred briefly to what he had some time since said to me in reference to an early acknowledgment of the new government of Mexico. He said, pleasantly, that he feared he had been too sanguine. I told him that our kind relations with the Juarez government were unbroken, and that we did not anticipate an early and permanent establishment of a monarchy in Mexico. In the present condition of things, therefore, you did not feel at liberty to consider the question he had propounded. I do not think that he was either surprised or disappointed by this answer.

He informed me that the Emperor had been much gratified by your recent action in forbidding the recruitment of men in the United States for Mexico. This had been reported to him by Mr. Mercier. I reminded him, in passing, that this action seemed to contrast somewhat with that of the French authorities, in permitting the shipment of a crew for the Florida in a French port. It seemed to me that the allusion was *felt*. He made a note of it, as I supposed, and the conversation there dropped. I reminded him, however, that I had some time since sent him a copy of that despatch in reference to Russian privateers, sent to us at the beginning of the Crimean war. He said that, owing to his absence, he had not yet seen it, nor my communication which accompanied it.

I am, sir, your obedient servant,

WM. L. DAYTON.

HON. WILLIAM H. SEWARD.

P. S.—The proposition for a congress yet engrosses all attention; but each of the great powers is distrustful of the others, and I am greatly mistaken if the proposition does not turn out an abortion.

Mr. Dayton to Mr. Seward.

No. 382.]

PARIS, *December 4, 1863.*

SIR: Your despatches from No. 427 to No. 431, both inclusive, have been duly received.

Another confederate vessel, formerly the Victor, of the English navy, now called by her captain the Rappahannock, has escaped from the English port of Sheerness and run into Calais. I communicated the fact to Mr. Drouyn de l'Huys last week, and he informed me that he immediately referred the case to the minister of marine, from whom he has not yet received an answer. Having since obtained additional information as to this vessel, I had a conversation with him on the subject yesterday, and at his request I have put that information in writing and sent it with copies of affidavits to-day. Of this communication I herewith send you a copy.

The copies of the affidavits made by Joseph Murray, Thomas Kelly and Wm. Wynn, which I enclose to Mr. Drouyn de l'Huys, have doubtless been already forwarded to you from London.

My despatch to Mr. Drouyn de l'Huys will apprise you of the present condition of the Rappahannock, now at Calais.

I learn that this vessel had for some reason been rejected by the British admiralty, and sold to a private purchaser, from whom she was bought by the confederates, and subjected to great changes and repairs.

Mr. Drouyn de l'Huys seems to be quite restive under this recent and con-

stant use of the French ports by the confederates. He says it cannot have resulted from accident, but that it is intended to compromise this government. I told him that this was doubtless so, when he added that they would not be compromised; that they meant to remain neutral. He said that if there were any person to whom he could properly address himself he would give them to understand that their action upon this subject was disagreeable.

I have apprised the captain of the United States ship Kearsarge of the condition of things in the ports of France, and I have requested Mr. Sprague, our consul at Gibraltar, to inform the captain of the St. Louis as to the Rappahannock, &c.

The confederates have more difficulties in procuring crews for their vessels than they contemplated.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Dayton to Mr. Drouyn de l'Huys.

PARIS, *December 4, 1863.*

MONSIEUR LE MINISTRE: A ship called by her captain the Rappahannock, and purchased for the confederates of the south, has made her escape from the British port of Sheerness without papers, and run into the port of Calais. She claims, I am informed, that she is driven in to repair her machinery, rigging, &c.

The facts as communicated to me are certain:

1. That she has been bought and fitted up by the confederates to cruise against and destroy our commerce.

2. That, anticipating or fearing detention, she escaped in an unfinished condition from the port of Sheerness, England, and has come over to Calais to complete her equipment, &c.

3. That a number of young Americans (some twelve or fourteen, I think) have been awaiting at Calais the arrival of this vessel to go aboard of her as officers or crew, and that upon a signal from the vessel they made an attempt by a ruse to accomplish their purpose. This shows that the vessel did not come in as pretended, "en relâche force."

4. Our consular agent writes me that it is quite evident the vessel left the English port suddenly and unexpectedly, with the mechanics employed on her yet on board; that considerable reparations and changes are yet to be made upon her; that her rigging is incomplete, and the ropes and pulleys are yet scattered over her decks. He informed me also that it is understood the captain had said he had applied or would apply to the minister of marine for permission to take out and entirely repair her boilers.

5. I enclose likewise copies of two affidavits sent to me from the United States legation at London, proving that this vessel left the English port to go to Calais; that she was then incomplete; that she waits at the port of Calais for her crew, and that she is, as her captain says, a confederate privateer.

It is quite evident that this vessel occupies a position which differs from either the Florida or the Georgia. She has left her port on the other side of the channel, voluntarily, without papers, and run directly across to a neighboring port, within which she hopes to be protected until her equipment is completed and her officers and crew ready.

On this statement of facts no argument is necessary to show that permission

from the French authorities to carry out her purpose would be a violation of neutrality.

May I beg the attention of your excellency, therefore, immediately to this question.

I have the honor to be your excellency's very obedient servant,

WM. L. DAYTON.

His Excellency Mr. DROUYN DE L'HUYS,
Minister of Foreign Affairs, Paris,

Mr. Dayton to Mr. Seward.

No. 383.]

PARIS, *December 4, 1863.*

SIR: Mr. Drouyn de l'Huys, in the course of conversation yesterday, stated a fact which it is well, perhaps, that I communicate to you. He said that some weeks ago the British government informed them that an American vessel had been taken by the confederates, as a prize, and sold to an Englishman; that after this she had been retaken by one of our ships, and that you had, therefore, refused to recognize the British title, coming, as it did, through a confederate source. The English government thereupon resolved that it would not recognize the right of the United States government to make prizes of confederate vessels, and it submitted the proposition to the French government, with a view to a just declaration to that effect. Mr. Drouyn de l'Huys informed them in answer that this government had no such case against us, and he thought it would be in bad taste to make such declaration before a case occurred calling for it. He informed them, further, that he did not know what course this government would take in such an event, and he did not wish to anticipate it.

The conversation on the subject there ceased, and he said he did not know what the British government had done.

I am, sir, your obedient servant,

WILLIAM L. DAYTON.

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 384.]

PARIS, *December 11, 1863.*

SIR: I have not written my usual despatches to your department during the past week on account of a temporary illness, which has confined me to my room; but I know of no change in the condition of things here which has made my failure to communicate with you a matter of much importance.

I have just received a letter from our consular agent at Calais in regard to the Rappahannock, a translation of which I herewith enclose.

I think I have already stated to you that I have heretofore fully protested, both verbally and in writing, against any aid being rendered to this vessel, and more particularly against any aid towards completing her equipment.

Both the Florida and the Georgia are now ready to go to sea.

I am, sir, your obedient servant,

WILLIAM L. DAYTON.

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Vendroux to Mr. Dayton.

[Translation.]

CONSULAR AGENCY OF THE UNITED STATES,
Calais, December 10, 1863.

MONSIEUR LE MINISTRE: I have the honor to bring to your knowledge that there have arrived by the English steamer *Rainbow*, doing the regular service between London and Calais, 143 different packages—kitchen utensils, water casks, cordage, sails, gallipots, detached pieces of machinery, signal muskets, blankets, cloth for wearing apparel, and a screw—all addressed to a gentleman, F. T. Normsay, stranger at Calais, and these objects are destined for the confederate vessel *Rapahannock*.

Nothing new has taken place in regard to this vessel.

Always at your orders, be pleased to accept, Monsieur le Ministre, the assurance of the consideration of your obedient servant,

VENDROUX,
Consular Agent of the United States.

Monsieur DAYTON,
Minister of the United States, Paris.

Mr. Seward to Mr. Dayton.

[Extracts.]

No. 445.]

DEPARTMENT OF STATE,
Washington, December 15, 1863.

SIR: The Canada's mails arrive at the latest hour available for reply. I hasten to acknowledge the receipt of your despatch of November 27, No. 379.

It is, however, equally clear that this government has, under the law of nations, an indisputable claim upon that of France to prevent the departure of such expeditions from her coasts. It is worthy of serious consideration whether the government of the United States, in becoming a suitor in a French municipal court against French conspirators, would not seem to imply at one and the same time a distrust of the justice of the French government and a willingness to modify their claim upon it.

In view of that consideration, the government is deliberating upon the question whether it will authorize suits to be instituted in its name, as is proposed.

William M. Evarts, esq., a lawyer of much learning, has heretofore visited London for the purpose of conferring with our minister residing there upon legal questions raised in that capital. He has now been directed to return to London on the 30th instant, and he will be charged to proceed to Paris and confer freely with you upon the subject of our claims upon the French government. The President will reserve the question of instituting legal proceedings in the French courts until we shall have received your advice, fully matured, with the aid of any suggestions that Mr. Evarts may be able to make. * * You will communicate to Mr. Evarts all the facts which may be within your knowledge and have a bearing on the case, as fully as you think they ought to be reported to this department.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c., *Paris.*

Mr. Seward to Mr. Dayton.

No. 446.]

DEPARTMENT OF STATE,
Washington, December 17, 1863.

SIR: I recur to your despatch of November 27, No. 379.

I am authorized to approve of your renewed remonstrances to Mr. Drouyn de l'Huys concerning the prosecution of the work on the rams which are being built in the French ports, and the hospitalities extended to the Florida and the Rappahannock.

You will persevere in these remonstrances if occasion shall warrant, and represent to Mr. Drouyn de l'Huys that for more than two years this government has borne, but has never acquiesced in, a policy of France and Great Britain in which they have recognized as a naval belligerent a domestic insurrection in this country, which has not held nor had a port or harbor, either in the region it claims to represent or elsewhere; all of whose ships are built, manned and equipped in the waters of Great Britain and France themselves, and all of whose nautical proceedings are conducted either in those waters or on the high seas, as an outlaw from their own country and from all other civilized states. These proceedings have been the subject of unremitted complaint and remonstrance. For all the losses and damages which the government and citizens of the United States have sustained by the depredation of the vessels in question, the United States, as they believe, justly hold the governments of the countries from which they have proceeded responsible, whenever they have been duly forewarned, and have omitted proper measures to prevent the departure of said hostile expeditions. During all this time we have been at peace with France and Great Britain. We have practiced absolute non-interference between them and their enemies in war, and have even lent them the advantages of counsel, with moral influence, to enable them to attain, without dishonor, the advantages of peace. We have excused the unkindness of which we have complained, on the ground that our own disloyal citizens, whom we could not effectually control, have been active and skilful in misleading public opinion in Europe in regard to the merits and probable results of our civil war. The evil, nevertheless, is becoming very serious, and is rapidly alienating the national sentiments of the United States. Our commerce is forced to seek protection under the flags of the very governments which afford the shelter of which we complain to the enemies engaged in devastating it. We fully believe that, in like circumstances, neither France nor Great Britain would endure such injuries as we are suffering, through the policy they have established, unless, indeed, like the United States, they were, at the same moment, deeply engaged in a formidable war, either at home or abroad. The political drama is inconstant; the scene may soon change. We may, at no distant day, be again at peace; and, in the chances of the hour, European maritime powers may become belligerents. Is it wise to leave open between them and the United States questions which, in such an unfortunate conjuncture, would produce confusion in regard to our own practice of neutral rights?

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c., *Paris*

Mr. Seward to Mr. Dayton.

No. 447.]

DEPARTMENT OF STATE,
Washington, December 20, 1863.

SIR: Your despatch of December 4 (No. 382) has been received. Your

proceedings in the case of the Rappahannock are approved, and the good disposition which has been manifested by Mr. Drouyn de l'Huys in the matter is appreciated.

I send herewith a copy of an extract, which has accidentally attracted my notice, from what purports to be an annual report of S. R. Mallory, who is pretending to act as secretary of the navy for the insurgents at Richmond. So soon as I shall be able to procure a copy of the whole paper, I shall transmit it to you. In the mean time, there is no room for doubt that the extract, of which a copy is now sent, is authentic. It boldly avows the authority and the activity of the insurgents at Richmond for the building of armed steam-rams in France and Great Britain, on their account, with their money, and for the very purpose of making war against the United States from French and British ports.

Secondly. It avows with equal directness and boldness the sending of twenty-seven so-called commissioned officers and forty reliable petty officers from Richmond to the British North American provinces, to organize and despatch from thence a naval expedition to make war against the United States on the great lakes, which expedition they confess has been defeated through the vigilance of the provincial authorities.

Thirdly. In connexion with the two avowals, the same conspirator says that he has sent another cruiser with instructions which will shortly be made apparent to the enemies of the insurgents near home. This may possibly mean instructions to send the Rappahannock and other vessels for armament into French waters, and it may mean to seize vessels on the high seas under their officers, and arm these captured ships in neutral waters, or with lighters from neutral ports.

You will lose no time in laying this information before Mr. Drouyn de l'Huys, and you will submit to him, as the opinion of this government, that the proof thus presented is sufficient to remove all lingering doubt concerning the objects, character, and designs of the builders of the steam rams in France, which have lately been indicated to his Imperial Majesty's government.

Secondly. In the opinion of this government, a toleration by the French government of the proceedings of the pirates, thus avowed by the insurgents, after the knowledge of them now imparted to M. Drouyn de l'Huys, would not be neutrality, but would be a permission to the enemies of the United States to make war against them from the coasts of France.

Thirdly. It is the opinion of this government that persons pursuing these now avowed practices in France are not entitled, after the knowledge communicated, to reside there without restraint, upon the plea of freedom to political exiles, but that they ought to be regarded as belligerents unlawfully perverting their shelter to the commission of crimes, not only against the people of the United States, but against the dignity and honor of the French empire.

Fourthly. In the opinion of this government, it is a deliberate design of the insurgents, through these practices now avowed, to involve France in a war with the United States. At least, these practices tend directly to that nefarious end, for they tend to exasperate the people of the United States and the people of France against each other, and to provoke citizens of the United States in every form to pursue their enemies operating from French ports and seeking refuge in them within the jurisdiction of France, or to adopt some other form of retaliation.

The President is well assured that the government of the Emperor will reprobate and condemn this design, and desire to defeat it as earnestly and sincerely as this government can do. I regret that beyond this temperate use of remonstrance and appeal to the French government, which we have thus far presented, to prevent the designs, we are unable to suggest any remedy for the evils complained of that would be effective, and at the same time consistent with the policy which France has hitherto pursued towards the insurgents who

have made this lamentable civil war. On the contrary, the very abuse of the flag, ports, and waters of France is resorted to by the insurgents as a means to make themselves, through the involuntary toleration of the French government, the naval belligerent which that government acknowledges them to be, and which, in fact, they are not nor cannot be without flag, ports, ships, or waters in the region which they falsely claim to defend.

At the same time, it must be manifest that the unlawful proceedings of the insurgents ought to be brought to an end; and it is respectfully submitted that, for this purpose, the Emperor's government will need to adopt some means beyond any that it has yet put into execution.

After having submitted the foregoing facts and suggestions to M. Drouyn l'Huys, on the part of this government, in a spirit of cordial esteem, and in a manner perfectly respectful, you will, for the present, leave them to his just consideration.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 448.]

DEPARTMENT OF STATE,

Washington, December 21, 1863.

SIR: Your despatch of December 4, No. 383, has been received.

You will express to M. Drouyn de l'Huys my acknowledgments for the information he has given you in regard to the application which was made to the imperial government by the British government to agree with them in treating as valid an alleged condemnation and sale of a vessel captured and claimed as a prize by the insurgents. I am very thankful that the French government declined the proposition. The insurgents have never made a lawful prize, and never lawfully condemned a vessel. I think I hazard little in saying, that under no circumstances is the government of the United States likely to recognize any capture or any condemnation they may make or procure.

I thank you for the copy of M. Fould's report. It is a very lucid exposition of French finance, and reflects great credit upon her minister of finance. France may well be congratulated upon her success in the great policy of internal improvement.

I am, sir, your obedient servant,

WILLIAM H. SEWARD

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 387.]

PARIS, *December 21, 1863.*

SIR: I have the honor to send you herewith a copy of a communication just made to M. Drouyn de l'Huys, in which I enclosed to him further affidavits in the case against the Rappahannock now at Calais.

I am, sir, your obedient servant,

WILLIAM L. DAYTON.

HON. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Dayton to M. Drouyn de l'Huys.

PARIS, *December 19, 1863.*

MONSIEUR LE MINISTRE: Although it may be, and perhaps is, an act of supererogation, I beg to enclose to your excellency copies of the affidavits of Richard Spendiff, George Hill, and James Nunn, persons recently employed upon the confederate vessel now called the Rappahannock, lying in the port of Calais. These affidavits are merely cumulative evidence showing the fact, which has not, I believe, been disputed, that this vessel, in violation of the principle of international law and the Emperor's proclamation, is being equipped and fitted out in that port to cruise against the commerce of the United States. This vessel is yet within the jurisdiction of France, and may be justly detained. If, under the circumstances, she be permitted to complete her equipment, and then to depart, I respectfully submit that the French government will be justly responsible for all damages done by her. Is it not desirable to avoid, if possible, all fair ground for future reclamation?

I take this opportunity to renew to your excellency the assurances of high regard with which I have the honor to be, your excellency's very obedient servant,

WILLIAM L. DAYTON.

Mr. Dayton to Mr. Seward.

No. 389.]

PARIS, *December 25, 1863.*

SIR: I enclose a slip cut from a newspaper recently published here, the substance of which has made the round of the French and English journals, and will doubtless be recopied in the journals of the United States. Mr. Drouyn de l'Huys says he knows nothing of it, and has never heard of the pretended envoy therein referred to. He says, further, that should he find that any such person has arrived, he will not fail to let me know it; but at present he supposes the paragraph to be like all the other "trash" of this character which is put in circulation.

I referred in this connexion to the supposed outline or schedule of a treaty alleged to have been agreed upon, some two or three months since, between his Majesty and the rebel agents abroad, and communicated to you by Mr. Morse, our consul at London; a copy of whose communication was enclosed to me in your confidential despatch, No. 438.

Mr. Drouyn de l'Huys says there is no truth whatever in this statement, and that the Emperor has no such negotiation whatever with the confederates on foot.

I am, sir, your obedient servant,

WILLIAM L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

[From a Paris paper.]

M. Supervielle, who has just arrived in Paris, in the character of special envoy from the Confederate States, is a Frenchman by birth, who was formerly an advocate in the south of France, somewhere near Bordeaux. He has been living in Texas for the last seventeen years, and is now a naturalized American. He got away from Matamoras on board a French ship-of-war, which the admiral

lent him to go to Vera Cruz, where he embarked in the transatlantic packet Florida for St. Nazairè. He is said to have a mission to notify to the French government the recognition by the Confederate States of the "empire" of Mexico, and also to try to persuade Napoleon III to recognize the south in return.

Mr. Dayton to Mr. Seward.

No. 390.]

PARIS, *December 25, 1863.*

SIR: Mr. Drouyn de l'Huys informed me that he had already directed Mr. Mercier to express to you the thanks of this government for the liberal action of the government of the United States in reference to the French tobacco, now at Richmond; but he desired that I too would inform you, as I now do, how highly our action in that respect had been appreciated by the government of the Emperor. The immense revenue derived by the government of France from its monopoly in the trade of tobacco makes the action of the United States on that subject of special importance.

I am, sir, your obedient servant,

WILLIAM L. DAYTON.

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 393.]

PARIS, *December 25, 1863.*

SIR: My despatch No. 387 encloses to you a copy of a note recently sent to Mr. Drouyn de l'Huys in reference to the rebel vessel called the Rappahannock, lying at Calais. I now beg to enclose to you a translation of Mr. Drouyn de l'Huys's reply. I should add that, in the course of conversation had with him yesterday, he admitted that this vessel was, in his judgment, an exceptional case, inasmuch as she was not driven in by stress of weather or necessity, but came voluntarily, to complete her equipment; and that, in this respect, her case was unlike the case of either the Florida or Georgia. He said, further, that he understood the minister of marine agreed with him in this view; but nothing has yet been done. I am daily expecting some orders from the minister of marine, in reference to this vessel.

I am, sir, your obedient servant,

WILLIAM L. DAYTON.

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

M. Drouyn de l'Huys to Mr. Dayton.

[Translation.]

PARIS, *December 23, 1863.*

SIR: I have received the letters which you have done me the honor to address me, dated the 4th, 12th, and 19th of this month, to communicate to me the information which had been transmitted to you in regard to the vessel Rappahannock. I have taken care to give notice of them to the minister of marine, whose information was still incomplete, and I await the result of the

inquiry into which our authorities are obliged to proceed, in order to judge of the difference which you point out between the position of the vessel and that of the Florida and of the Georgia. I think, indeed, with you, that it is desirable to avoid giving an equitable base for future reclamations. It is with this feeling that the government of the Emperor has always been studious to act, and it will not depart therefrom in this circumstance. I cannot, however, prevent myself from causing you to remark, on this occasion, how regrettable it is that the same disposition with which the cabinet of Washington is, without any doubt, animated, should not yet have assured the indemnifications, so equitably due to so many French residents, for injuries of all kinds, which they have suffered in the United States.

Accept, sir, the assurances of the high consideration with which I have the honor to be, your very humble and very obedient servant,

DROUYN DE L'HUYS.

Mr. DAYTON, *Minister, &c., &c., &c.*

Mr. Dayton to Mr. Seward.

[Extract.]

No. 394.]

PARIS, *December 31, 1863.*

SIR: * * * * * * * *

Your despatch No. 445 apprises me of the fact of Mr. Evarts's early return to Europe. I can only say that it will give me pleasure to confer with him in reference to any legal questions pending between us and this government.

I have been much at a loss as to what course of action would be most judicious in reference to the vessels now being built in the ports of France, and am happy to know that you will take the responsibility of directing it. In my last conversation with Mr. Drouyn de l'Huys he informed me that Mr. Arman, the builder of these vessels, was seeking purchasers for them other than the confederates, and that the minister of marine did not think himself authorized, therefore, to prevent their completion, although he would prevent their being armed, or delivered by Arman to the confederates.

The completion of these vessels, or some of them, is being hurried on with all possible despatch.

At a meeting of leading secessionists, held in Paris on Friday evening last, one of the principal topics of the conference was as to the mode of getting these vessels out of port. Another of the subjects of conference was, as I am informed, the chance of procuring recognition by France, in consideration of the transfer of Texas to that power. Authority for making this transfer is, I am told, claimed by certain parties representing the confederates here.

The diplomatic corps has again received notice from M. Drouyn de l'Huys that he will not be able to receive us to-day, on account of ill health.

I am, sir, your obedient servant,

WM. L. DAYTON.

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 395.]

PARIS, *January 1, 1864.*

SIR: I have just returned from the palace. The Emperor had, to-day, the usual reception of the diplomatic corps, and was addressed by the Pope's Nuncio in its behalf, and made a short address in reply.

There was nothing in his remarks of a special or marked character. After reciprocating the salutations and kind wishes of the corps, he said, in substance, that notwithstanding the difficulties which surrounded them he trusted matters would be so conducted as to lead to and perpetuate a policy of peace.

To me personally he said, "Your troubles are not so great as they were this time last year;" and he added, that he trusted they might be ended at no distant day.

I am, sir, your obedient servant,

WM. L. DAYTON.

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 396.]

PARIS, *January 2, 1864.*

SIR: You have probably seen the within correspondence between Mr. Davis and the Pope before this; but as it is translated and printed in the *Moniteur* of this morning, I herewith enclose it to you.

The design of this quasi recognition of Mr. Davis, who is addressed as "illustrious and honorable president," is manifest. It is a last effort to get up some feeling against the north among the Catholics, and to use, perhaps, the influence of the Holy Father to stop his Irish votaries from volunteering. I had learned some short time since that an effort was being made to get up a correspondence for some such purpose, and spoke to the Pope's Nuncio here on the subject, but he attached no importance to it, and did not, as he said, believe it. Of Mr. Slidell he spoke as an entire stranger, saying he had never seen him but once in his life, and then casually only.

The correspondence does not, it is true, amount to much, but it illustrates the unceasing activity of the rebel chief in reaching for aid to every possible source.

I am, sir, your obedient servant,

WM. L. DAYTON.

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

[Extract from the *Paris Moniteur*—Translation]

AMERICA.

RICHMOND, *December 1.*

The Havre Correspondence publishes the following letters from Mr. Jefferson Davis and from his Holiness Pius IX:

RICHMOND, *September 23, 1863.*

To his Holiness the Pope, Pius IX:

Most venerable chief of the Holy See and sovereign pontiff of the Catholic, Apostolic and Roman church:

The letters which your Holiness has addressed to the venerable chiefs of the Catholic clergy of New Orleans and New York have been communicated to me, and I have read with emotion the terms in which you have been pleased to express the deep sorrow caused you by the carnage, the ruin, and the desolation, which are the consequences of the war now waged by the government of the

United States to the States and peoples who have chosen me to preside over their government, in which letters you command these chiefs and their clergy to exhort the people and the authorities in the exercise of charity and the love of peace.

I am deeply sensible to the Christian charity and sympathy which have inspired your Holiness in the reiterated appeal made to the venerable clergy of the Catholic church, to induce it to use all its authority in behalf of the restoration of peace and tranquillity.

I therefore deem it my duty to express to your Holiness personally, and in the name of the people of the Confederate States, that we are deeply sensible of the sentiments of love and of Christian charity which have guided your Holiness on this occasion, and to assure you that this people, threatened, even within its very hearthstones, by a cruel oppression and by a fearful carnage, desires now, as it has always fervently desired it, the termination of this impious war; that we have manifested in our prayers, addressed to our Heavenly Father, the same sentiments as those with which your Holiness is animated; that we do not wish any evil to our enemies; that we do not covet any of their possessions; but that we only contend that they may cease to desolate our country, to shed the blood of our people, that they permit us to live in peace under the ægis of our institutions and of our laws, which protect every one, not only in the enjoyment of his temporal rights, but also in the free exercise of his worship.

I therefore pray your Holiness to accept, on my part, and on that of the people of the Confederate States, our sincere thanks for your efforts in behalf of peace. May the Lord prolong the days of your Holiness, and have you in His holy keeping.

JEFFERSON DAVIS,
President of the Confederate States of America.

[Translation.]

The Pope has made the following reply to President Jefferson Davis:

Illustrious and honorable president, greeting:

We have just received with all the proper benevolence the persons sent by you to deliver to us your letter under date of the 23d September last. We have experienced no ordinary pleasure on learning from those persons, and through this letter, with what sentiments of joy and gratitude you have been animated, illustrious and honorable president, so soon as you had knowledge of our letters to our venerable brothers, John, archbishop of New York, and John, archbishop of New Orleans, under date of the 18th of October of the last year, and in which we have, with all our power, excited and exhorted these venerable brothers to the end that, in their piety and their episcopal solicitude, they should endeavor, with the most ardent zeal, and in our name, to put an end to the fatal civil war which has broken out in those countries, in order that the American peoples should finally come to a common peace and concord, and to love one another charitably.

It has been particularly agreeable to us to learn that you, illustrious and honorable president, and these same peoples, are animated with the same desires of peace and tranquillity which we have, in our letters hereinbefore referred to, inculcated upon our aforementioned venerable brothers. May it at the same time please God that the other peoples of America, and their directing powers, considering seriously how grave a civil war is, and how great are the evils it entails, may be willing finally to listen to the inspirations of a more calm spirit, and adopt resolutely the cause of peace.

As to ourselves, we shall not cease to address the most fervent prayers to the all-powerful God, that he may bestow upon all the peoples of America a spirit of peace and charity, and that he may withdraw them from the very great evils which afflict them.

We supplicate at the same time the good and merciful God to bestow upon you the lights of His grace, and to attach you to us by a perfect union.

Given at Rome, at Saint Peter, this 3d of December, 1863, in the 18th year of our pontificate.

PIUS IX.

Mr. Seward to Mr. Dayton.

No. 451.]

DEPARTMENT OF STATE,

Washington, January 3, 1864.

SIR: By a despatch of the 18th of last month, Thomas H. Dudley, esq., informs me that with a view to the successful prosecution of parties concerned in the preparation of the iron-clad rams at Birkenhead for the insurgents, it is important to procure evidence of the connexion of the house of Messieurs Bravay & Co. with the insurgents. I will therefore thank you to use your best endeavors for the promotion of that object.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 452.]

DEPARTMENT OF STATE,

Washington, January 4, 1864.

SIR: Your despatch of December 11, No. 384, is the latest which has been received here, and an acknowledgment of it has been delayed by reason of my short absence from this city.

Your proceedings in the case of the Rappahannock are approved.

I have communicated to the Secretary of the Navy the information you gave me concerning the Florida and the Georgia. Mr. Mercier has returned to France for the winter. I have reason to believe that he has left us with kind and liberal sentiments towards the United States. Certainly he bears with him the respect and good wishes of this government. The beginning of our unhappy civil war found him in close and intimate relations with the leaders of the insurrection. This could not well be a cause of surprise or of reasonable complaint on the part of this government, for those leaders were, until a very late hour in Mr. Buchanan's term, directors of the administration of this government itself. We had no right to expect greater loyalty from a foreign minister than was exhibited by the cabinet of Mr. Buchanan. It is believed that Mr. Mercier has been slower than most of the representatives of foreign states residing here in accepting the conclusion that the Union would be saved from the appalling dangers with which he has seen it combating. Nevertheless his bearing and his interviews with the government are believed to have been frank and honorable. He is therefore commended to your kind and respectful consideration.

He will inform you that just when the President had acceded to the wishes of the French government for a permission to export the tobacco which it has stored at Richmond, upon the express ground that it had been bought and paid for before the blockade was laid upon the southern ports, it was discovered that

the French government had been in error as to the fact of the alleged early purchase and payment so far as five or six thousand hogsheads of the tobacco were concerned. On this mistake being brought to the knowledge of the President, he at once consented to authorize the exportation of the 1,500 hogsheads, which it was still understood had been bought and paid for before the blockade, and said that he would review the subject as to the 6,500 hogsheads which it would appear had not been thus early purchased and paid for. When this decision was made known by Mr. Mercier to Mr. Paul, the French agent in Richmond, that gentleman then for the first time discovered, or at least made known the fact, that even the 1,500 hogsheads referred to were not paid for until after the blockade was established. This statement became known to Mr. Mercier just when he was on the eve of departing, and when I was at New York, and not at this capital, so that it could not be made a subject of correspondence between us. I therefore recommended to him, under the circumstances, to submit the altered state of the case to M. Drouyn de l'Huys. This government is satisfied that the imperial government is disposed to practice not only strict neutrality in our civil war, but also to extend to this government all the comity that shall be consistent with that relation.

The President is therefore by no means inclined to insist rigorously on the condition of its concession concerning the tobacco in question. At the same time it is to be remembered that a waiver by Great Britain of a right to object to the relaxation of the blockade, so as to permit the exportation of this tobacco, was deemed necessary before those concessions were made, and that Great Britain made the waiver upon the direct application of the French government, and upon the express ground that the tobacco involved had been actually bought and paid for before the blockade was established. You will bring this important fact to the recollection of Mr. Drouyn de l'Huys, who may, if he shall deem it expedient, apply to her Majesty's government for a renewal of its original assent upon the now corrected state of facts. If the difficulty which I have thus stated shall be removed, the President will reconsider the case in the same spirit of liberality and comity towards France which has governed the previous proceedings of this government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 454.]

DEPARTMENT OF STATE,

Washington, January 4, 1864.

SIR: Mr. Adams, by a despatch of the 17th ultimo, informs me that he has transmitted to you copies of papers relating to the case of the Victor, now called the Rappahannock, and whose arrival at Calais was announced in your No. 382. We are awaiting with much solicitude the course of the French government in the matter.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Dayton to Mr. Seward.

[Extracts.]

No. 397.]

PARIS, *January 8, 1864.*

SIR: Your despatches Nos. 446, 447, 448, and 449 are duly received.

* * * * *

Mr. Drouyn de l'Huys said that he and the minister of marine had already consulted on the subject of the use of their ports, with a view to adopt some general rules, as England had done, and it was probable that such rules would be framed and notice of them given, but they were not yet prepared.

I took occasion again to inform him that at least seventy persons had recently been sent from England to ship on some one of the three vessels now lying in French ports, and that a portion of these, at least, were intended for the *Rappahannock*; that this vessel at least could not claim, as the *Florida* did, a right to renew her crew while lying in a neutral port, for, in point of fact, she brought no crew in. She was sent over or brought over from the English side of the channel by mechanics, engineers, and firemen, who were on board of her temporarily only. Mr. Drouyn de l'Huys seems to agree with me altogether as to this vessel, and says the minister of marine agrees with him, but they do nothing. The vessel is not, however, ready to leave port, although I am informed that the *Florida* and *Georgia* are ready. The *Kearsarge* is yet off the port of Brest.

These vessels will be accompanied to sea, as is stated in public journals, by a French ship-of-war, with the view, of course, to prevent any violation of the rules of international law.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 455.]

DEPARTMENT OF STATE,

Washington, January 12, 1864.

SIR: Your despatch No. 393 has been received. It is hoped that the insurgent vessel *Rappahannock* will be arrested as you anticipate.

The remarks of Mr. Drouyn de l'Huys in his note to you of the 23d ult., in regard to complaints of French subjects against the United States, are somewhat surprising. Most of the claimants are believed to have been residents of insurgent territory. France, by recognizing the insurgents as belligerents, may be expected to have accepted all the responsibility of that measure, and to be content to regard her subjects domiciled in belligerent territory as identified with belligerents themselves. There can be no question as to the applicability of this rule to domiciled merchants, and the reasons for its applicability to that class seem to be sufficient for it to embrace all aliens who reside in an enemy's country for the purpose of carrying on business of any kind. Waiving for the present, however, any further consideration of this point, the fact that we have long since proposed to the French government a convention for the adjustment of the claims of their subjects, and that this proposition is still pending, would seem to have made untimely reference to the matter in connexion with the case of the *Rappahannock*. It will also have been noticed that the President, in his last annual message, has recommended the establishment of a special tribunal for the settlement of claims of foreigners which have originated since the commencement of the war in this country. It is expected that the measure will receive full effect at the hands of Congress.

Your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 457.]

DEPARTMENT OF STATE,

Washington, January 13, 1864.

SIR: Your despatch of December 25, No. 390, has been received. In one of my late communications I informed you of a new discovery that had occurred to delay the shipment of the tobacco of the French government at Richmond. M. Mercier, whose arrival at Paris will have anticipated this despatch, will, I trust, have made known to M. Drouyn de l'Huys the singular difficulties in regard to the matter which have arisen out of a misapprehension by all parties of an important fact in regard to the time when the tobacco was purchased and paid for by the French government. The discovery of this error is deemed to render a new presentation of the question to her Britannic Majesty's government necessary. While this representation is being made, I renew with pleasure the assurance that the President remains favorably disposed upon the subject.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 459.]

DEPARTMENT OF STATE,

Washington, January 14, 1864.

SIR: Your despatch of the 25th ultimo, No. 389, is received, and the explanations of Mr. Drouyn de l'Huys therein recited are regarded by the President with much satisfaction.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 400.]

PARIS, *January 15, 1864.*

SIR: I have at length received from Mr. Drouyn de l'Huys, a reply in reference to the Rappahannock, now at Calais.

It would seem that upon inquiries made by their own agents they are led to believe that the visit of the Rappahannock was casual and of necessity, and that they feel constrained, therefore, to treat this vessel like other vessels in distress only. I am quite sure, from the facts in my possession, that she made her escape from English waters by night, and came into the port of Calais in an unfinished condition; that she is now using that neutral port for the purpose of completing such equipment I think there is no doubt. From the fact, too, that twelve or fourteen men were there waiting her arrival, and, after a signal shown, attempted to get on board of her by a ruse, it is evident that she was expected in that port. I am by no means satisfied with the course of action which this government has adopted in reference to these vessels, and more especially in reference to the Rappahannock. I have already given them to understand that we shall consider them responsible for all damages which may accrue to us by reason of any future depredations committed by this vessel.

I am, sir, your obedient servant,

WILLIAM L. DAYTON.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Drouyn de l'Huys to Mr. Dayton.

[Translation.]

PARIS, *January 13, 1864.*

SIR: I have just received the answer of the minister of marine to the communications which I had addressed to him, as I have had the honor to inform you by my letter of the 23d of last month, in regard to the stay at Calais of the vessel the Rappahannock. It appears from it that this matter has already attracted the attention of M. le Cte. de Chasseloup Laubat, and that he had hastened to give the necessary orders that the captain of the vessel referred to might be able solely to put it in a state of navigability, and revictual with provisions and coal. It results also from an inquiry which was entered into on the spot, that Calais was not at all the port of destination of the Rappahannock when she left the shores of England; that unforeseen accidents only led her to take refuge in our waters, and that we could not under these circumstances refuse her an asylum, any more than to any other vessel placed in the same situation. This vessel has been, however, and continues to be the object of special surveillance, and you yourself will be satisfied with the care with which watch is kept that no suspicious object be introduced on board, by reading the report on this subject addressed to the department of the marine by the competent local authority, and herewith annexed in copy. I will add that M. le Cte. de Chasseloup Laubat, in limiting the facilities accorded to the Rappahannock to what is demanded for the equipment and seaworthiness of an ordinary vessel of commerce, has besides given directions not to authorize her to prolong her stay at Calais, so soon as she shall be in a state to go to sea.

Receive the assurances of the high consideration with which I have the honor to be, sir, your very humble and very obedient servant,

DROUYN DE L'HUYS.

Mr. DAYTON,

Minister of the United States at Paris.

[Translation.]

CALAIS, *January 4, 1864.*

Upon the receipt of the despatch of your excellency, I requested further information of the established inspector of the customs in regard to the Rappahannock. It appears from his answer that the information given to H. E. M. the minister of foreign affairs has considerably exaggerated the significance of the number of packages addressed in this port to the confederate steamer.

If the slightest attempt had been made to embark arms, munitions of war, or machines which might have been able to facilitate a transformation to the vessel, which has constantly been held in suspicion here, or to give to it the means of taking the offensive upon leaving Calais, severe measures would have been taken immediately, the Rappahannock detained, and orders requested without delay from your excellency, by means of the telegraph.

It is correct, M. le Ministre, that quite a large quantity of material and manufactured objects has been imported from England, but, with the exception of pipes, destined to replace the defective parts of the tubular boilers, and the screw, no object of essential interest to it has reached here for the confederate steamer. Moreover, was not the screw absolutely indispensable? The vessel was provided with two screws in bronze, but in the state of the engine they caused a trembling which greatly fatigued the rear of the vessel, and an Eng-

lish manufacturer having proposed to Captain Campbell to take them in exchange for a single screw in cast-iron, he consented to this substitution, which even yet has not been made, although this propeller has been here for several weeks. The remainder of the packages contained some water-casks, utensils for the kitchen or intended for the steward's room, cloth or linen intended to clothe the crew, wool, &c., to mend the clothes, lace, blacking, signal flags, and not signal rockets; all objects, in fine, which permit this vessel to revictual as a vessel of commerce might do, by paying the duties, according to the usual tariffs for objects coming from abroad. If this vessel did not procure for herself here that which was wanting for its navigability, it could not go to sea, its masting particularly being so slightly supported that it would have fallen in the first rough weather.

As I have made known to your excellency, from the beginning of the confederate steamer's stay here, I have concerted with M. the inspector of the customs upon the measures of "surveillance" of which this vessel ought to be the object. A visit on board was made by these gentlemen upon its arrival, and did not lead to the discovery of either arms or artillery. The sacks, &c., of the sailors which have embarked have been examined. When the package arrives for the Rappahannock, it is visited by the custom-house officer upon landing, then escorted on board by an officer, or a sub-officer, and an officer of the customs. Besides, when this vessel shall be on the point of going to sea, a last search, as severe as possible, will be made on board. It has been for several weeks moored in the floating-dock, where officers of the customs are always on guard. This surveillance is sufficient to give security and to induce the assurance that upon leaving this port, where, it is true, it will be put in a good state of seaworthiness, the confederate vessel, whatever may be its name or its destination, will not be able to attack any vessel. Upon quitting Calais, this steamer, which put in there in a very defective state, although having on board elements almost sufficient to finish rendering her seaworthy, and even provisions in a sufficiently large quantity, will only be armed and equipped as a good vessel of commerce.

Mr. Seward to Mr. Dayton.

No. 461.]

DEPARTMENT OF STATE

Washington, January 16, 1864.

SIR: Intelligence has reached here directly, and by the way of Vera Cruz, that Mr. J. H. Mansfield, the United States consul at Tabasco, has been imprisoned by the authorities there. Nothing, however, is officially known of the charges against him. Mr. Lane, the consul at Vera Cruz, in a despatch of the 2d ultimo, an extract from which is annexed, intimates that Mr. Mansfield has been unmindful of the neutrality prescribed by his instructions and by his duty as a consul of a power in amity with both France and Mexico. It is desirable, however, that we should be informed of the reason for the proceedings against him. You will consequently apply to Mr. Drouyn de l'Huys for information upon the subject.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 401.]

PARIS, *January 21, 1864.*

SIR: Your despatches, from No. 451 to No. 454, both inclusive, are duly received. No. 451 requests me to use my best endeavors to procure evidence of the connexion of Bravay & Co. with the insurgents. Mr. Dudley, United States consul at Liverpool, had already informed me of the want of this evidence, and I had made such inquiries as were in my power; and, furthermore, had consulted with the English embassy here on this subject. I have no doubt that such connexion between Bravay and the insurgents exists, but I know not if evidence can be found to prove it.

I am, sir, your obedient servant,

WM. L. DAYTON.

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 402.]

PARIS, *January 21, 1864.*

SIR: Mr. Adams has enclosed to me copies of papers from England in reference to the Rappahannock, alluded to in your despatch No. 454, and these papers I have generally, not always, promptly submitted to the minister of foreign affairs, by whom they were at once referred to the minister of marine.

These papers are principally affidavits, of which I presume you have copies, forwarded from London. One or perhaps two of these affidavits I have not thought important; I have felt, moreover, that if we continued to put in papers merely cumulative, this government might at length say, as the British government did in the case of the Alabama, that our case was not made out until the last affidavit was filed. A copy of the ship's register sent from England, showing that the Victor yet stands registered in the name of a private subject of Great Britain, I have not used here, and for the simple reason that, if it proved anything, it was against us, being evidence that the vessel in question belonged to an English subject, and was not a confederate ship. Yet our whole claim for interference upon the part of this government was predicated upon the allegation that she was what she claimed to be, a confederate vessel. I should add, too, that this government acts more on the report of its own port officials than on affidavits or loose papers from other sources. They do not, as on the other side of the channel, try a question of international law as on some municipal statute, or like a case in the quarter sessions.

It is evident that this government mean to admit the equipment of the Rappahannock at Calais as a commercial ship, while they will take, as they assure us, the utmost care that no armament or ammunition of any kind shall be put on board of her; or, in other words, that she shall not be in condition upon leaving that port to take the offensive against us. My despatch No. 400, with the papers accompanying it, however, explain their view on this subject very clearly. The vessels lately undergoing repairs in French ports (the Georgia and Florida) are yet in port, and the Kearsarge watching them. I enclose to you, herewith, the copy of a letter written to the captain of the Kearsarge, which will explain itself.

I am, sir, your obedient servant,

WM. L. DAYTON.

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Dayton to Captain Winslow.

PARIS, *January 20, 1864.*

DEAR SIR: I have been advised from London that some seventy men have recently been sent from England to France, and, as it is believed, for Brest. I presume that you have already learned that the crew of this vessel has been filled up in whole or in part, but I think it best to advise you of the above fact. The journals are stating that the captain of the Florida has given you notice that early in next month he will fight you off the French coast. I do not attach much importance to these newspaper statements, but should anything of the kind be in contemplation, and you need additional men, do not permit anything heretofore written to you to interfere with your enlisting them if they can be had. The Georgia and Florida will probably join forces. The Rappahannock, now at Calais, will not be permitted to take arms or ammunition aboard before she sails. I have the express assurance of the government for that.

What is the force of your vessel as compared with the aggregate force of the Florida and Georgia? Have you received any such notice from the Florida as intimated; and if so, do you consider it a serious offer?

Respectfully, your obedient servant,

WM. L. DAYTON.

Captain WINSLOW,
United States Ship Kearsarge.

Mr. Dayton to Mr. Seward.

No. 403.]

PARIS, *January 21, 1864.*

SIR: I deem it advisable to state to you the following facts:

A man formerly in the employ of a loyal American commercial house in Paris has lately returned from the south, where he has been engaged as a blockade runner. He brought out 800 bales of cotton in September last from Ocklockonnee river and bay. He says there is no blockade stationed by our government, or was none on the 1st September last, between St. Mark's and Appalachicola. The river Ocklockonnee is navigable for vessels of light draught for a long distance up. He says, further, that cotton is brought down the Appalachicola from a point still higher up, and is then carried by land across the country to the Ocklockonnee, from which, coming down to its mouth, it is easily transshipped. Of course, if cotton comes out that way, other things go in. If these facts are true, a blockade should be stationed at the mouth of that river in Ocklockonnee bay.

I am, sir, your obedient servant,

WM. L. DAYTON.

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 404.]

PARIS, *January 22, 1864.*

SIR: I received this morning the copy of a note addressed by Mr. Morse, our consul at London, to Mr. Putnam, our consul at Havre, and, as a matter of security, immediately enclosed another copy to our consular agent at Brest, for

Captain Winslow, and another copy to our consul at Cadiz, to which port I was notified that the Kearsarge had gone, or was about to go. The contents of that note I thought especially important, and if the facts stated were correct, demanded the immediate attention of the French government. I therefore sought an interview at once with the minister of foreign affairs, but failing in that, immediately addressed to him a note, of which I herewith send you a copy.

This note will best explain itself, as well as the contents of the letters of Mr. Morse above referred to.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Dayton to Mr. Drouyn de l'Huys.

PARIS, January 22, 1864—2½ p. m.

MONSIEUR LE MINISTRE: I have called at the Foreign Office this morning in the hope of seeing your excellency, but finding that you were out, and the hour of your return uncertain, I think it most prudent to send you at once the copy of extracts of a letter received this morning from Mr. Morse, our consul at London. If the statement in these extracts be correct, I am sure that the orders and intentions of this government as to the reparations on the Florida, in port of Brest, have been violated, and that such measures will at once be taken as will cancel the wrong which has been done. Mr. Morse, the consul, writes to me, under date of January 21, 1864, as follows:

"I have learned that the rebel privateers now in the French ports, but more especially the Florida, are being carefully prepared to capture the Kearsarge, if possible. Besides the 80-pounder Whitworth rifled guns which the Florida had on board, she this week received from an English yacht two steel Blakely rifled cannon, with steel-pointed elongated shot to fit them. These guns were taken to Dieppe from the English coast; I think from New Haven by steamer, and put on board there, and taken thence to Brest by the yacht, and put on board the Florida. I learn also that the Florida is very heavily armed and manned. About one hundred and fifty have been sent there from this country within the last two or three weeks."

Our consul adds in his letter to me: "I have also been informed, by a person who saw them put on board, that gun-carriages have been received on board the Rappahannock since arrival at Calais. They were sent from this country. There are strong grounds for believing that her guns have been received in the same way. The custom house examinations at Calais afford no protection against arming her there. Should a dozen or twenty cases be sent to the Rappahannock, however large or heavy, only one will be opened, and that one will be selected or made up for such official examination."

I cannot but believe that our consul has in some way been deceived in reference to this last statement; but the report, made from the prefect or other authority at Calais, to the minister of marine, enclosed to me with your excellency's despatch, dated January 13, 1864, is so much at variance with my understanding, and the apparent understanding of the British government, of the facts in reference to the Rappahannock, that I respectfully submit the extract to your consideration.

That vessel was a British ship-of-war, now claiming to be, not a mere commercial vessel, but a confederate cruiser, which escaped by night from Sheerness, without papers and without a crew, and, as admitted by the report of the prefect or local authority above referred to, with her masts even insecured. She could

not be said to have suffered from stress of weather, but came directly into the port of Calais, where men were awaiting her arrival, and which men, I am informed, were subsequently taken on board. It is admitted by all that she was not in condition for sea. If she did not mean to come directly across the channel into the port of Calais, she must have intended to come into some other neighboring port; and this, so far as the principle of law is concerned, would not vary the question. Since she has been at Calais she has been engaged in shipping a crew, not for a vessel of commerce, but for a vessel of war. The copies of affidavits which I have heretofore submitted, and others, to wit, the affidavits of Andrew McEune, Thomas Bryant, and William Fewson, which I now enclose, prove this, I think, beyond a doubt. The rule which your excellency informed me would be applied to the Florida, that she will not be permitted to ship more men than she brought into port, nor her fighting force increased, is not, I submit, being applied to the Rappahannock, unless it be intended, which I can scarcely suppose, to extend that rule so far as to say they may ship as many sailors or fighting men as there were workhands or mechanics on board, temporarily employed in making repairs; and even in that case I know not how the account would stand.

Accept, sir, the assurances of high consideration with which I have the honor to be, your excellency's very obedient servant,

WM. L. DAYTON.

His Excellency M. DROUVN DE L'HUYS,
Minister of Foreign Affairs, Paris.

Mr. Seward to Mr. Dayton.

No. 465.]

DEPARTMENT OF STATE,
Washington, January 26, 1864.

SIR: Referring to my instruction of the 16th instant, No. 461, I have to inform you that, under the date of the 31st ultimo, Mr. Lane, the consul of the United States at Vera Cruz, writes that on that date he had received a verbal communication from Mr. Mansfield, the consul at Tabasco, confirming the report that he is in prison there, and allowed no means of communicating with his friends, and that his sentence is a year's imprisonment.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 466.]

DEPARTMENT OF STATE,
Washington, January 26, 1864.

SIR: I enclose a copy of a despatch of the 31st ultimo, from Mr. M. D. L. Lane, the United States consul at Vera Cruz, and of the protest of José Wallace Smith referred to therein, containing a narrative of the treatment of which he alleges himself and others to have been the victims at the hands of the French authorities at Minatitlan. The case, as set forth, seems one of such excessive cruelty, that, without waiting further details, I have to request you to ask for an examination into the facts, and, if they are truly stated, to claim indemnity.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

CONSULATE OF THE UNITED STATES OF AMERICA,
Vera Cruz, December 31, 1863.

SIR: I have the honor herewith to forward the protest of José W. Smith, a citizen of the United States, taken prisoner at Minatitlan, by French authorities, and sent to this place.

Mr. Smith leaves here for the States, per English steamer, to-morrow.

I have the honor to be, with great respect, your obedient servant,

M. D. L. LANE,
United States Consul.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

—
[Protest.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Vera Cruz, December 17, 1863.

By this public instrument of attestation, declaration and protest, be it known and made manifest to all whom it may concern, that on this 17th day of December, A. D. 1863, before me, M. D. L. Lane, consul of the United States of America for the port of Vera Cruz, and the dependencies thereof, personally appeared José Wallace Smith, who being by me duly sworn according to law, did depose and say as follows:

When the French steamer under command of Commandant Conrad arrived at Minatitlan in February last, I was residing in that town and doing business there as a merchant. I was also regidor of the municipal body, enabled by a decree of the Mexican government to hold that position without infringement of my neutrality. The Mexican authorities, and most of the native inhabitants of the town, fled at the approach of the French, and I was left as the only neutral in office to represent the interests of the town, and if called upon, to deliver it over to the invading force. In this position I was recognized by Commandant Conrad, who, when I offered to resign my office, expressly desired me to retain it. The French did not occupy Minatitlan, but anchored their steamers at the mouth of the river, and for about two months I continued to act by request of the French, as temporarily in charge of the town, and was recognized as such by both parties, and used as a means of communicating with each other.

Some time in May, in consequence of a want of confidence manifested in me by the Mexican authorities, arising from my connexion with Commandant Conrad, I resigned my position—a Captain Sanchez of the Mexican army being appointed as military commandant. From that moment my connexion with the liberal parties, innocent as it was, completely and entirely ceased. In July a French force took possession of the town, and with it came, as French political agent and collector of customs, one of “Walker’s filibusters”—a man unfavorably known to the inhabitants, by name Bruno Van Natzmer, who indirectly assumed and concentrated in himself all civil authority, and to a great extent the military also. This was easily accomplished with the former, on account of their ignorance and timidity, and it was yielded to him by the latter, on account of what they supposed to be his local knowledge and the soundness of his intentions; and immediately a system of persecution and personal vengeance was inaugurated such as people never thought to witness in this nineteenth century.

About the beginning of September, while at the American consulate on business, I was grossly insulted and threatened by one John Hume, a resident of the town. Among other things, he said he had me completely in his power;

that he could count upon the influence and assistance of the principal authorities to carry out his threats, which were by any and every means to have me sent away from Minatitlan or shot, and if the authorities failed him, he would visit the latter fate upon me himself. At this time Natzmer was living at Hume's house, and on the most intimate terms with him, and there is every reason to believe they were conniving together against me, as will be proved by what took place afterwards.

A few days after the attack upon me at the consulate, Hume came to my house, and after repeating his insults and threats, struck me three times. I did not retaliate until he struck me the third time, and then I knocked him down; as he was rising he drew a revolver, four barrels of which were loaded, cocked and snapped it at me, whereupon I again knocked him down; the same thing was three times repeated. Some people now came up and put an end to the struggle, and the police arriving conducted us both to jail, where I was placed in close confinement, and Hume in a few minutes released by order of Natzmer, addressing him through the judge.

Natzmer then informed the judge that it was the order of the commandant that an official communication should be drawn up, and addressed to the commandant, stating that Hume had gone to my house in a state of drunkenness, and I availed myself of the fact to endeavor to assassinate him. The judge refused to make such a statement, unless it was first substantiated as the result of an examination, conducted in conformity to law; and, notwithstanding Natzmer threatened to send him to Martinique, the judge, fortunately for me, was not intimidated. The case was fairly examined and I was released, and the sentence that would have been otherwise passed on Hume was only withheld through fear of Natzmer; thus the case remains on the archives, if they are not destroyed or tampered with—with the exception of what I state as having passed between Natzmer and the judge, which took place before witnesses who will readily bear evidence, when they dare speak without fear of Natzmer's vengeance. His intentions towards me were thoroughly exposed, when he told the judge the next day, if he had done as he told him, by that time I should have been dispatched.

On the 18th Lieutenant Rollin came to my house with two armed soldiers, he ordered me to put on my hat and follow him, and I was conducted to the public jail, where I found Nicholas Lopes, Abino Garcia, Luis Carimon. We were kept some four days *incommunicado*. On the evening of the fourth day the guard received an order from Lieutenant Rollin to take me out and shoot me at the sound of the morning bugle. I only knew the fate that was intended for me from the conversation of the guard, which I could not help overhearing; from their vicinity and the slight construction of the jail, which consisted of only one room. About fifteen minutes before the time appointed for my execution I heard that the order was suspended, but frequently during the next day I was led to believe, from the talk of the guard, that I had but a few hours to live.

On the afternoon of the fifth day we were marched off by a force under command of Lieutenant Rollin, and conducted to the river bank, where Natzmer was waiting with another force to receive us. We were placed by Natzmer on board the schooner Clara, put in the hold, our hands tied behind us, and our legs attached with iron rings to an iron bar of about five feet in length. To this bar five of us were chained. The hatches were then nailed down, and every aperture closed, except a hole about sixteen inches square, which had been sawed out of one of the hatches for the purpose of letting down provisions to us. From the extreme pain caused by the tightness of the bands and the constrained position of the arms, and all other physical and mental horrors of our frightful situation, I rapidly became delirious, and remained in that state eight or ten days. Under the influence of the delirium I used sometimes to

cry out of a night, when the corporal of the guard would come down and stamp upon me, and beat me in a manner that has left marks upon my body that I will carry to my grave. This was an occurrence of every night during my delirium. The necessities of nature had to be relieved as we lay, and the filth was sometimes left to accumulate for days; we had no mosquito bars; our food was eaten amidst an amount of filth and stench and pestilent atmosphere that must be experienced to conceive. The bands on our arms remained sometimes day and night; the effect on me has been to deprive me for life of the use of my left arm, and the right is seriously injured. In this state we remained thirty days—all except Albino Garcia, the previous collector of customs, about sixty-five years of age, who on the twenty-ninth day died from fever, superinduced by the horrors of our situation. The body, which was in a most filthy state, was allowed to remain from 8 a. m. to 5 p. m., still chained to the bar, and the hands still tied behind, and then it was drawn up by a rope passed under the arms like a sack of corn. During these dreadful thirty days Natzmer frequently came on board the vessel to see that his orders for our treatment were carried out, and it is to be presumed they were, for he gave no order for its alteration. On the 18th of November Natzmer came on board the schooner, and we were taken from the hold and delivered by him to the commander of the war steamer *Fleche*. I was in a wretched state of health—reduced in less than forty days from a strong, stout man to the merest shadow; and as I dictate this, unable to write myself, after nearly a month's rest, I am still the mere wreck of what I was before, and my constitution has received a shock that time can never cure.

On the *Fleche* we were again placed in irons, and forced to keep a sitting posture under deck for about sixty hours, until we arrived at Vera Cruz, during which time we were denied all nourishment excepting musty biscuit and water.

From the day of my arrest to my arrival in Vera Cruz I was in utter ignorance of the nature of the accusations, if there were any, preferred against me, or upon what grounds I had been cruelly treated. On the 26th of November I was placed in custody of the United States consul at Vera Cruz, he becoming responsible for my appearance when called for, where I remained till December 14, when I was summoned before a court-martial, examined, and discharged. On the 17th I was notified, by the commandant superior at Vera Cruz, that I was at liberty to go to the United States. Wherefore the said appearer, in his own name, hath declared to protest, as by these presents I, the said consul, at his special instance and request, do publicly and solemnly protest against the said Natzmer, as French agent and collector of the port of Minatitlan, against the French government, against the French commander of the French forces, on land and water, at Minatitlan and Vera Cruz, ruling in the name of France, against all and every person and persons, against all authorities and things, that have in any way occasioned or permitted my arrest, imprisonment, and cruel treatment, holding each and all of them, and every matter, cause, or things concerned, liable and responsible for all costs, losses, damages, charges, and expenses already suffered, or that may be hereafter suffered, in my health or property, in any manner, shape, or form, on account of my said arrest and imprisonment and cruel treatment.

This done and protested at Vera Cruz the day and year first above written. In testimony whereof the said José W. Smith has hereunto subscribed his name, and I, the said consul, have affixed my hand and seal of office.

JOSE W. SMITH.

M. D. L. LANE,
United States Consul.

[L. S.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Vera Cruz, December 28, 1863.

I, the undersigned, consul of the United States of America for the port of Vera Cruz and the dependencies thereof, hereby certify that the foregoing is a true copy of the original protest entered of record in this consulate.

Given under my hand and the seal of said consulate the day and year above written.

[L. S.]

M. D. L. LANE,
United States Consul.

Mr. Seward to Mr. Dayton.

No. 468.]

DEPARTMENT OF STATE,
Washington, February 1, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch of January 15, No. 400. We learn from it the determination of the French government to permit the Rappahannock to be completed and prepared for sea, though not armed at Calais.

You have already anticipated the disappointment and regret which this decision has produced here, when we regard the evidence that has been furnished to M. Drouyn de l'Huys as conclusive that she is a fugitive pirate preparing for the devastation of our national commerce.

Your proceedings in giving notice to the French government that the United States will feel themselves entitled and obliged to look to that government for indemnity for the injuries she may produce is approved. It will be necessary now that you proceed one step further, and inform M. Drouyn de l'Huys that this decision of the French government, co-operating with other causes, will be a trial of the friendship of this country towards France, for which, after the protests that you have made, not this government, but that of the Emperor, will be responsible.

Yesterday information was laid before me of a design of an adventurous party, now beyond our jurisdiction, to obtain letters of marque from the republican government of Mexico, to harass the commerce of France. This government is constantly called upon to give leave for the conveyance of arms into Mexico for the use of the Mexican authorities in the war with France. It stands firmly and faithfully upon its neutrality, but in doing this it wounds popular sympathies which no human power could repress. The Emperor's government has had abundant occasion to observe that the Executive of the United States has practiced prudence and forbearance in their relations with the maritime powers which were not expected from a government being so popular in its form as ours, because it seemed impossible. Is it not inexpedient for the government of France to continue indulgence towards our enemies such as we wholly refused to her enemies? The President thinks that you should invite Mr. Drouyn de l'Huys to bestow serious consideration upon the subject.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 408.]

PARIS, *February 3, 1864.*

SIR: I herewith enclose a copy of a communication made yesterday to the minister of foreign affairs. Its contents will explain why it was sent at this particular juncture.

I am, sir, your obedient servant,

WM. L. DAYTON.

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Dayton to M. Drouyn de l'Huys.

PARIS, *February, 2, 1864.*

MONSIEUR LE MINISTRE: I have just received information from our consular agent at Calais that the confederate war vessel Rappahannock has completed her repairs and equipment, and is about to leave that port; and he further says that it appears by a shipping gazette that a ship has gone out from the Thames laden with munitions of all kinds for the Rappahannock. If this be true, (and it is probable,) its effect upon the public mind of my country, and the view likely to be taken of it by my government, must be obvious. The Rappahannock is a confederate cruiser, and not a vessel of commerce. To equip her in one neutral port as such, when it is well understood she is to be immediately supplied from another neutral port with arms to prey upon our commerce, is, I submit, to aid directly in the principal wrong. The ports of England and France, alternating in the character of their aid, might in this way be made the easy means or base of military operations against us. It is perfectly certain that the United States government will never acquiesce in the justice or legality of such proceedings. And I now, with great respect, give formal notice that reclamation will be made in due time for all damages which shall be done by the Rappahannock to our commerce, in case she be permitted under the circumstances to go to sea.

Accept, sir, the assurance of high consideration with which I have the honor to be, your excellency's very obedient servant,

WILLIAM L. DAYTON.

HIS EXCELLENCY M. DROUYN DE L'HUYS,
Minister of Foreign Affairs, Paris.

Mr. Dayton to Mr. Seward.

No. 411.]

PARIS, *February 5, 1864.*

SIR: I saw Mr. Mercier again recently, and he requested me to assure you, in his name, that all was right here in reference to our government. I told him at once that such was the assurance given me, but that I was not at all satisfied with the action of this government in regard to the rebel ships in their ports, and more especially in reference to the Rappahannock; that I could see no principle of law by which it could be justified. He only said, that he was assured that they would permit nothing to be done except such repairs as might be placed on a ship of commerce. In a conversation had last evening with the Emperor at the palace, he referred to my recent communication on the subject of the Rappahannock to M. Drouyn de l'Huys. He assured me that they would carefully

consider the subject, and were disposed to go no further than the principles of international law required. In reply I told him that I had been explicit in my statements about the aid given to these vessels, more especially to the Rappahannock, because it was a subject upon which my country was very sensitive. That our government and people could not but feel keenly when they saw their commerce swept from the ~~sea~~ by vessels thus equipped and manned in foreign and neutral ports.

Upon meeting M. Drouyn de l'Huys yesterday, he said, alluding to my despatch to him of the 2d instant as to the Rappahannock, (a copy of which was enclosed to you,) "You send me big words." I answered, "I send you no unkind ones." He said, "No, he did not so receive them." I told him it was better, on certain occasions, to deal with entire frankness, and this was one of them, to which he assented. He then added that, as respects the Rappahannock, which had come into port in an unfinished condition, &c., and not from stress of weather, he agreed with me, in the general view I had taken, that she was not entitled to the privileges of vessels driven in from sea by distress, and he said that he had informed the minister of marine that such was his opinion; that he had sent him a copy of my last note as to the Rappahannock, and asked what answer he should give to it, but as yet had received no reply.

He then spoke again of adopting the restrictions in force in the English ports, with the single exception of that which applies to coal, which England, possessing it herself in great abundance, treated in her orders as contraband of war, but France, having little of it, did not wish to commit herself to that point. I endeavored, in this connexion, to induce him to reconsider the question of their grant to the rebels of belligerent rights, and to have their ports closed altogether against them. He again said, they could not do this; but the troubles growing out of this grant had been such that they would not again recognize any people as belligerents, without acknowledging them as a government. Referring again to the reception and aid given to the rebel vessels in the French ports, I asked his excellency if he had carefully examined the despatch which France and England sent to us at the beginning of the Crimean war, in which they express the hope "that the government of the United States will, in a spirit of just reciprocity give orders that no privateer under Russian colors shall be equipped or victualled," &c., in our ports. He said he had, and added, with a smile, that that despatch went very far! In other words, it went further, as I understood him to imply, though he did not say so, than France was willing to go now. You will recollect that my despatch to M. Drouyn de l'Huys, dated November 6, 1863, enclosing to him a copy of the despatch to us from England and France, with certain comments of my own, which you have been pleased so heartily to approve, has never before been acknowledged, or answered, and the time that has now passed, in connexion with the above remark, (that it, meaning their despatch, went very far,) induce me to believe, that the French government does not mean to give any *written* reply to my communication. This is always the most convenient, and perhaps the most judicious mode of treating a point which one does not mean to yield, and yet cannot conveniently answer.

M. Drouyn de l'Huys told me yesterday, that Armn (the builder of those iron-clad rams for the confederates at Bordeaux) had just informed him that he had sold them to the Danish government, but before he, M. Drouyn de l'Huys, acted upon that assumption, this government would have the best and most satisfactory evidence of the correctness of this statement. At present he does not consider the statement of the fact to me as official, but says he will make it so as soon as he shall receive the necessary proof. In the mean time I shall write to Mr. Wood, our minister at Copenhagen, to get the facts in an authentic shape.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Mr. Dayton to Mr. Seward.

No. 412.]

PARIS, *February 5, 1864.*

SIR: Your despatches from No. 455 to No. 464, both inclusive, are duly received.

The newspapers which you forwarded, purporting to contain a full copy of the report of Mr. Mallory, acting as secretary of the navy to the rebels of the south, was likewise received, and by me transferred to Mr. Drouyn de l'Huys as a genuine copy of the rebel secretary's full report. I now enclose to you a statement, over the signature of M. F. Maury, cut from Gallignani, which has or will go all over Europe, in which this pretended report is denounced as a forgery. I sincerely hope that this is not so. The truthfulness of our newspapers has been greatly impeached in Europe, and a serious fabrication of this kind, even though innocently used by the government, places us in an unpleasant and awkward position. The legation at London, I am informed, believed the report to be a forgery.

I am, sir, your obedient servant,

WM. L. DAYTON.

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

[From the Herald.]

A NORTHERN TRICK.—We have received the following.

SIR: Soon after the commencement of the American war the Yankees resorted to the trick of getting up fac-similes of Richmond papers in type, paper, and size, of copying their advertisements, and then filling up with reading matter of northern manufacture. These papers were then put into the mails, received, copied from, and circulated without suspicion as southern utterances. The English press is now the victim of another trick of the same sort. A document copied from the northern papers is now going the rounds of the continental and English press, which purports to be the official report of Mr. Mallory, the confederate secretary of the navy, to the congress in Richmond. It is a take-in—it bears internal evidence of a hoax; and I know many of its statements to be false. Please, therefore, assure your readers that no such document has ever been uttered by the secretary of the confederate navy, and so help me "to nail to the counter" the spurious thing also.

Yours, truly,

M. F. MAURY.

Mr. Dayton to Mr. Seward.

No. 413.]

PARIS, *February 5, 1864.*

SIR: Immediately upon the reception of your despatch, No. 461, I called the attention of Mr. Drouyn de l'Huys to the fact of the imprisonment of J. H. Mansfield, consul at Tobasco, and asked the reasons therefor. He said that he was not at all in possession of the facts, nor did he know the grounds of his imprisonment, but he would make a memorandum of the case, and give me the necessary information at an early day.

I am, sir, your obedient servant,

WM. L. DAYTON.

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 414.]

PARIS, *February 5, 1864.*

SIR: As an evidence of the facility with which the French government can borrow of its own citizens, and the ability of the latter to lend, I enclose you a slip containing the report of the minister of finance to his Majesty on the subject of the late loan.

The buildings where the subscriptions were received were literally besieged for hours before the time named for opening. France is no longer poor. It is a rich country.

I am, sir, your obedient servant,

WM. L. DAYTON.

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

The subscription to the new French Loan.

M. Fould has sent the following report to the Emperor on the subject of the new French loan:

"SIRE: I have the honor to submit to you the results of the public subscription to the loan of 300,000,000, authorized by the law of 30th December, 1863. The price of emission of the three per cent. rente was fixed by the decree of 12th January at 66 francs 30 centimes, with interest running from 1st January, payable in ten equal instalments, the last falling due on 21st November next. To realize the 300,000,000 and the 15,000,000 required for discount and dividends during 1864, it was necessary to issue 14,253,393 francs of rente. The subscription was opened on Monday the 18th, and closed on Monday 25th. The subscriptions amounted to 219,321,536 francs of rente, by 542,061 subscribers, of whom 134,105 are at Paris and 407,956 in the departments. Although the administration has still some returns to receive, the figures which I now place before your Majesty will not be materially modified. The subscription of six francs of rente, declared irreducible, amount to 2,409,366 francs. In conformity with article 4, of the regulations of 12th January, the subscriptions which, in consequence of the proportional reduction, would have been brought below six francs of rente are admitted for that sum. In this category are included demands of from 10 francs to 120 francs of rente. They represent a sum of 3,372,390 francs of rente, demanded by 118,830 persons, and figure in the repartition for 712,980 francs of rente; making the total of irreducible rente 3,122,346 francs, which reduces to 11,131,047 francs, the rente to be allotted to the other subscriptions. Each subscriber will therefore be entitled to 5 francs 41 centimes of rente for every 100 francs of rente he has demanded. At the moment of issuing the loan, the high rate of interest and the restrictions which the Bank of France had deemed advisable to impose on its advances on securities decided me to admit, concurrently with specie and for important subscriptions, the direct deposit, as a guarantee, of rente on the state and of treasury bonds. Notwithstanding this facility, the sums actually paid in have amounted to 230,000,000. A more considerable sum withdrawn from circulation would have embarrassed the movement of affairs. In order to diminish the effects of a too great concentration of capital, I have authorized, from the 26th January, the reimbursement of nine-tenths of the sums paid in by subscribers for 3,000 francs of rente and upwards. The definitive liquidation of each subscription will not be terminated until about the 13th of February. At that date, the provisional receipts will be exchanged for negotiable loan certificates.

The treasury will reimburse at the same time the sums paid in excess of the first tenth of the loan to the subscribers who may not prefer to avail themselves of the right granted them, by article 8 of the regulations of 12th of January, of applying that excess to ulterior instalments. The resources which the loan has procured for the treasury are more than sufficient to assure the public services and the successive reduction of the treasury bonds in circulation. They also permit me, in conformity with article 7 of my regulations, to suspend, from this day, the faculty of paying by anticipation the instalments of the loan before they fall due. The promptitude with which the country has responded to the appeal made to it is a further proof of its confidence in the Emperor's government, and of the universal feeling of security in the credit of France.

"I am, &c.,

"ACHILLE FOULD."

Mr. Dayton to Mr. Seward.

No. 416.]

PARIS, *February 5, 1864.*

SIR: In conformity with the suggestions in your despatch No. 455, I have called M. Drouyn de l'Huys's attention to the fact that our government has proposed a convention for the settlement of all claims of French citizens, and that the President in his last message had recommended the establishment of a special tribunal for the settlement of all claims of foreigners which have originated since the commencement of the war, and which it was expected Congress would carry into effect. M. Drouyn de l'Huys said that these matters had not escaped his notice, but he did not see how such tribunals were to get jurisdiction of these questions in respect to foreigners, but he would make a memorandum of the points and consider them further.

As I know nothing of the details of the proposed measures, I could, of course, give him little information.

I am, sir, your obedient servant,

WM. L. DAYTON,

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 469.]

DEPARTMENT OF STATE,

Washington, February 5, 1864.

SIR: I have to acknowledge the receipt of your despatch of the 8th of January last, No. 397, and to state that in recent communications I have made all needful explanations of the views of this government on the subject therein presented.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 418.]

PARIS, *February 6, 1864.*

SIR: During an interview with Mr. Drouyn de l'Huys, on Thursday last, he handed to me the memorandum of a contract, said to have been entered into between the Juarist authorities of the state of Tamaulipas and the federal

authorities of the United States, in virtue of which the latter agreed to furnish a certain quantity of arms and munitions of war in return for delivery to them of many thousand Mexican mules. I herewith send you a translation of this memorandum, which is without signatures. Mr. Drouyn de l'Huys said he found the memorandum on his table, without recollecting exactly whence it came, and therefore called my attention to it. I told him that I had no knowledge on the subject, but from the orders which had been issued by my government forbidding the supply of arms to either belligerent in Mexico, and the fact that we needed arms ourselves, as I supposed, even more than mules, I did not believe such contract had been made. I promised, however, to take the memorandum, and call your attention to it, as I now do.

I am, sir, your obedient servant

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Memorandum.

[Translation.]

"It is affirmed that a contract has been entered into between the Juarist authorities of the state of Tamaulipas and the federal authorities, in virtue of which the latter were to furnish a certain quantity of arms and munitions of war, in return for the delivery of several thousands of Mexican mules."

Mr. Seward to Mr. Dayton.

No. 472.]

DEPARTMENT OF STATE,
Washington, February 8, 1864.

SIR: Referring to my Nos. 461 and 465, respecting the imprisonment of Mr. J. H. Mansfield, the United States consul at Tabasco, I transmit herewith a copy of a letter of the 6th of November last, addressed by Charles Jones, esq., to Mr. Adams, our minister at London, upon the subject, I will thank you to ask for the release of Mr. Mansfield, that he may be permitted to proceed to the United States, and you will also request explanations of the proceedings against him.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 473.]

DEPARTMENT OF STATE,
Washington, February 8, 1864.

SIR: Your despatch of the 22d ultimo, No. 404, has been received.

You will have learned from instructions which are on their way to you that the President was not satisfied with the course which the French government had thought proper to pursue with reference to the Florida, Georgia, and Rapahannock. It appears, however, from your note to Mr. Drouyn de l'Huys of

the 22d ultimo, that you had anticipated, in respect to the Florida at least, the instructions adverted to. Our own law, as you are aware, forbids not only the fitting out and arming in our ports of vessels to make war on a country with which we may be at peace, but also prohibits any augmentation of the armament of a foreign belligerent in a United States port. We have a right to expect the same prohibition in French ports against insurgent vessels. There must necessarily be some anxiety here upon this subject until the determination of the French government can be known.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 476.]

DEPARTMENT OF STATE,

Washington, February 8, 1864.

SIR: I have to acknowledge the receipt of your despatch of the 21st ultimo, No. 402, relative to your practice in regard to the submission of papers received from London respecting the case of the Rappahannock, and relating to the Georgia and the Florida. It is accompanied by a copy of a letter of the 20th ultimo, addressed by you to Captain Winslow of the Kearsarge. Relying on your better knowledge and approved discretion, we leave these matters in your hands.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 478.]

DEPARTMENT OF STATE,

Washington, February 10, 1864.

SIR: Referring to my communication of the 8th instant, No. 472, respecting the imprisonment of J. H. Mansfield, esq., consul of the United States at Tabasco, I now enclose a copy of a despatch, of the 24th of November last, from him upon the subject.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 420.]

PARIS, February 11, 1864.

SIR: My despatch to Mr. Drouyn de l'Huys, of February 2, notifying him that, should the Rappahannock be permitted, under the circumstances, to go to sea, the French government would be considered justly responsible for all damages to our commerce, has had immediate attention.

Herewith I enclose to you a translation of Mr. Drouyn de l'Huys's reply, and the report of the minister of marine. They claim exemption from responsibility, as it seems, upon the ground heretofore stated, that nothing will be sup-

plied to this vessel except what is necessary to her "navigability," and that it is the British government, as the minister of marine thinks, (from whose waters, it is said, the armament is to come,) that should be held answerable for damages. They promise, however, to investigate further as to the condition in which this vessel left the English ports and entered Calais. It is but just to Mr. Drouyn de l'Huys to say that when he assented to the general view that I had expressed that this vessel was not entitled to claim the aid and reparations which are extended of right to national vessels driven into port by stress of weather, his opinions and views were based on the facts as he and I then understood them. Those facts, I have no doubt, were then understood by us correctly; but some question would seem to be made on this subject by the minister of marine. I do not think the government can at all justify its action in equipping this vessel on the facts as they actually exist. It is not only a violation of the principles of international law, but a direct violation of the Emperor's proclamation of neutrality made in 1861.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

M. Drouyn de l'Huys to M. Ministre of Marine.

[Translation.]

PARIS, *February 8, 1864.*

SIR: I have received the letter which you did me the honor to write to me on the subject of the injuries which the vessel Rappahannock might cause to the federal commerce upon its departure from Calais. I have made it my duty, in consequence, to again call the attention of M. the minister of marine to the preparations of the confederate vessel, and I hasten to send you herewith a copy of his answer. It results from it, as you will be able to convince yourself, that the Rappahannock has not ceased to be the object of the most active surveillance, and the numerous visits made on board by M. the commissary of the maritime inscription of Calais have enabled him to state that this vessel has been able solely to procure itself what was wanting in respect to its seaworthiness, but that it has received no object with a view to an armament of war. The government of the Emperor could not then be rendered responsible for the acts of aggression to which the Rappahannock might afterwards devote itself against the federal vessels, but which it would be powerless in its actual state to commit against them on quitting our waters. If any doubts still remain as to the conditions upon which this vessel left the shores of England and took refuge at Calais, an inquiry which is now being prosecuted by the direction of M. the minister of the marine will furnish in this respect the desirable explanations. I will have the honor to inform you of the result as soon as it shall be known to me.

Accept the assurance of the high consideration with which I have the honor to be, sir, your very humble and very obedient servant,

DROUYN DE L'HUYS.

[Translation.]

The Minister of Marine to the Minister of Foreign Affairs.

PARIS, *January 5, 1864.*

MONSIEUR LE MINISTRE AND DEAR COLLEAGUE: I have just received the letter which you did me the honor to write me the 4th of this month to trans-

mit to me the copy of a further communication which has been addressed to you by M. the minister of the United States at Paris, in reference to the early departure from the port of Calais of the confederate vessel the Rappahannock, and by which he makes known his intention to attribute to us from the present movement responsibility for the injuries this vessel might inflict upon the federal commerce. Your excellency knows that the Rappahannock entered into the port of Calais in a veritable state of unseaworthiness, that we have not accorded to it any other authorization than that of putting itself in condition to go to sea, and that no other thing has been furnished to it, and always as a commercial transaction (*par le commerce*) except what was absolutely indispensable to it in order that it might navigate. I will add, in fine, that this vessel has been on the part of the authorities of Calais the object of the most active surveillance.

It appears, indeed, by a letter from M. the commissary of maritime inscription, received this morning even, that a fourth visit has yesterday been made on board, and according to the formal declaration of M. the inspector of the customs, there has not been in any shape an embarkment of objects with a view to an armament of war.

I could not then, for my part, admit the pretension of Mr. Dayton of wishing to impute to us the injury which the Rappahannock might cause to the federal commerce after its departure from our waters. This pretension is so much the more unsustainable, as this vessel could not be available as a cruiser except in so far as it should be furnished with arms, which it would not be able to procure for itself upon our territory. So M. the minister of the United States, who understands this very well, pretends that these are to be delivered to it *in the open sea* by an English vessel—an act for which our responsibility cannot be engaged. It would then be much rather to the government of her Britannic Majesty that Mr. Dayton ought to address himself, since this delivery of arms would constitute an act contrary to neutrality.

So in regard to what has passed in our waters, you will recognize, Monsieur le Ministre and dear colleague, that our conduct has continued in every respect, as well in regard to the Rappahannock as the other confederate vessels, the Georgia and the Florida, and the federal vessel Kearsarge, in the line of the strictest neutrality traced out by the declaration of the 10th June, 1861, and that the government of the Emperor could not in any form assume the responsibility which the minister of the United States would wish to put upon it.

Mr. Seward to Mr. Dayton.

No. 479.]

DEPARTMENT OF STATE,

Washington, February 12, 1864.

SIR: Referring to my previous despatches, Nos. 461, 465, 472, and 478, which relate to the case of Mr. Mansfield, United States consul at Tabasco, I have now the honor to send you a copy of a letter from him which has just been received at this department. As the facts of this transaction gradually come to the knowledge of this government it seems more and more a cause of surprise and pain that a consul of the United States should be treated with the severity which marks this case, whatever his offending might be. It would have been only courteous to the United States, and for aught that we can see, would have been perfectly consistent with the safety of the French army, to prefer a complaint to this government against the consul, at the same time sending him to the care of this government, if he was accused of practices however hostile to the cause of the French.

You are expected to ask just explanations and redress.

It is proper that you should be able to inform M. Drouyn de l'Huys that we have instructed a ship-of-war to visit Tabasco to inquire into this transaction, but have given them no instructions to exercise force.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 481.]

DEPARTMENT OF STATE,

Washington, February 13, 1864.

I have already let you know that Congress and the people of this country are very sensitive in regard to this subject, and that the French government cannot reasonably expect their acquiescence in proceedings which shall conflict with the engagements that the French government has thus made. The sensibility I have described increases with every day's increasing evidence of the decline of the insurrection in the United States. The mails which convey this despatch will carry to Europe unmistakable demonstrations that the system of African slavery is about to be abandoned by the partisans who have been hitherto its supporters and advocates in the loyal region of the country. It may, however, be necessary to refer you to a fact of at least equal significance. Slave sales still occur in the insurgent States. They show that a so-called prime slave commands in the market the net sum of \$100 to \$150 of gold, or \$150 to \$200 currency of the United States. This is a reduction of 1,000 per cent. in the value of the slave since the war began. Of course, slaves less useful, for purposes of labor, have depreciated in the same ratio. The slaveholding States are, therefore, verging to the point where slave property will become an incumbrance, and slavery an object of disgust. It is to be remarked at the same time that other kinds of property are not so depreciated. Horses, cattle, grain, furniture, and, I believe, lands, are worth as much to-day in the southern States as they ever were. It would seem to result from these facts that the economical system of the free States (identical with the economical system prevailing in all other civilized nations) is being adopted in the south, and that land, not labor, is becoming the chief investment of wealth there as elsewhere. When this change takes place, all the motives of disunion perish. Revolutionary movements cannot be permanently sustained by mere prejudice or passion without substantial objects or interests.

The President thinks you have done very well in suggesting to M. Drouyn de l'Huys the expediency of an abandonment of the special attitude of toleration towards the insurrection—an attitude which has gained no benefits to France, while it has been so deeply injurious to the United States. I have presented this subject so often and so fully heretofore that it cannot be necessary to enlarge upon it now. America is believed to be about to regain the accustomed blessings of peace, while Europe seems not unlikely to become a theatre of war. We would that the European states may not in their future conflicts find themselves embarrassed with unfraternal relations towards the States in this continent. It would be worthy of France to lead the way in restoring harmony and mutual confidence between the old and the new, the eastern and the western nations.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Dayton to Mr. Seward.

[Extracts.]

No. 421.]

PARIS, *February* 14, 1864.

SIR: My confidential despatch, No. 405, informed you that Mr. Arman, of Bordeaux, had introduced an amendment to the address of the Emperor advising his active interference in our affairs, on which he was expected to speak.

This would have brought out the whole history of the vessels which were being built in France for the rebels. I wondered at the time, as I informed you, that the friends of the government should permit such an amendment to be brought forward in the existing condition of things. But I think I have failed to inform you that this amendment was subsequently withdrawn by the mover, probably at the instance of the government. The effect of this withdrawal has been to deprive us of the most convenient opportunity for ventilating this entire question. The presiding officer of the Chamber of Deputies will not permit (as in Congress, when in committee of the whole) a man to speak on anything. The very question must here be under discussion, or the speaker is stopped. Had you published *all the evidence* in your diplomatic correspondence, we might, perhaps, have got it into print from that source; but, as it is now, we scarcely know how to get the facts fully before the French public, but it must be done.

Mr. Evarts has been here, but returned some days since to London.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 422.]

PARIS, *February* 15, 1864.

SIR: A printed copy of the diplomatic correspondence of last year has reached me. I do not see that there is anything in the correspondence between us, as published, with which this government can justly find fault.

The rebel ship *Florida* has, as you are doubtless aware, left Brest, and will probably soon be heard of on the ocean destroying our commerce. The United States sloop-of-war *Kearsarge*, which had lain off the roadstead for a long time watching her, was absent when she left. The *Kearsarge* had gone to Cadiz, where she yet is, for, as I have been informed, coal, provisions, and repair of her boiler or machinery. Why these things were not attended to while the *Florida* was laid up with her machinery out, I do not know; but it would seem, from a letter just received from our consular agent at Brest, of which I send you a translation, marked No. 1, that it was not likely she could have prevented the escape of the *Florida* if she had yet been off that port.

The *Rappahannock* is still at Calais, and in want of engineers, firemen, and a competent crew; but in other respects she is, I believe, ready for sea. I send you the translation of a letter just received from our consular agent at that port, marked No. 2, which will give you the last news I have about this vessel.

The *Georgia* was at Cherbourg about a week ago. Since that I have had no advices from her, but presume she is yet in port. She may, however, have gone, as her repairs, I am informed, were completed some days since.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

FEBRUARY 16.

P. S.—I have received this morning a telegraphic despatch from our consular agent at Cherbourg, advising me that the Georgia left that port last night. I immediately telegraphed our consular agent at Cadiz to inform Captain Winslow, of the Kearsarge, of the departure of both this vessel and the Florida.

D.

 No. 1.

Mr. Kerros to Mr. Dayton.

[Translation.]

CONSULAR AGENCY OF THE UNITED STATES,
Brest, February 11, 1864.

MONSIEUR L'AMBASSADEUR: As my letter of the 8th instant caused you to expect, the Florida went to sea in the night of the 9th and 10th instant.

Yesterday morning she was no longer at her anchorage. I might have informed you of it, but as she had before several times got ready to make trials, either inside or outside the roadstead, I wished to be certain of her departure before announcing it to you. It is very probable that she has escaped the Kearsarge. The passes of this harbor are so numerous that a blockade, in order to be efficient, would require the aid of an entire squadron. The presence of the Kearsarge will, nevertheless, not have been useless. She will have kept the Florida at anchor for several months, and this is something.

If I learn anything positive as to the presence of the Kearsarge in our parts I will write to Captain Winslow.

I am, with respect, your excellency's very obedient servant,

KERROS.

His Excellency M. the AMBASSADOR
of the United States, Paris.

Mr. Dayton to Mr. Seward.

No. 423.]

PARIS, *February 19, 1864.*

SIR: Your despatches from No. 465 to No. 468, both inclusive, are duly received.

No. 466, enclosing the copy of a despatch from Mr. Lane, United States consul at Vera Cruz, and the protest of José Wallace Smith, referred to therein, were immediately communicated by me to Mr. Drouyn de l'Huys. These complaints, like that referred to in your No. 465, (the imprisonment of Mr. Mansfield, our consul at Tabasco,) he said must be referred by him to the French authorities in Mexico before he could give an answer. But he assured me these matters should be promptly investigated. It will, of course, be some considerable time before a report on these cases can be received from Mexico.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Dayton to Mr. Seward.

No. 424.]

PARIS, *February* 19, 1864.

SIR: I yesterday communicated to Mr. Drouyn de l'Huys the contents of your despatch No. 468, and I did this the more readily as, in its main features, it was a reiteration from you of views that I had individually already expressed to him. I read to him that part of your despatch in which you state that the decision of the French government in respect to the Rappahannock, co-operating with other causes, will be a trial to the friendship of our country towards France, for which, after the protests we have made, not our government, but "the Emperor, will be responsible." He said, in reply, that we must deal with things as they were. That France having acknowledged the south as belligerents, he could do nothing less than treat them as such. That, keeping that position in view, the Florida and Georgia had been received in their ports. That the Florida had been repaired, though little had been done to the Georgia, and nothing had been done to either of these vessels except what was essential to their "*navigability*." That their fighting powers had not been improved, nor had a French seaman been permitted to embark on either of them. That in respect to these vessels, therefore, he thought they had kept within the limits of clear rules of international law. That in respect to the Rappahannock, she had not yet been permitted to leave port, nor would she be permitted to leave until his government, by a most rigorous and careful examination, had satisfied itself that no rule of law had been violated. She had been permitted to repair as a vessel of commerce only, and if we anticipated that she was to be converted into a ship-of-war by guns from England, it was against England, and not France, we should complain; but if the fact turned out, as I insisted, that she was no vessel of commerce, but a ship-of-war, then he admitted that if she came into a French port, not by stress of weather, but voluntarily to finish her equipment, and she were permitted to leave, it would be a breach of the proclamation of neutrality published by the Emperor; but the question of fact, he said, was yet in the course of investigation. I repeated to him the evidence on this question, (a summary of which will be found, by the way, in the first despatch I sent to him on this subject, dated December 4th last.) He seemed to consider, however, that I presented the question in some new lights, and said he would again refer the matter to the minister of marine. The line of distinction between what they might properly do and what they might not was, he said, in his mind quite clear. If a war vessel came into their ports from stress of weather, they were bound to let her repair damages, adding nothing except such repairs to her fighting qualities; but if such a vessel came into port in an unfinished condition, they could not rightfully permit her to finish her equipment, for that would be to shape a harmless log or mass of timber into a fighting ship. I told him that he and I did not then differ, in this case, so much about the law as about the fact, and I yet hoped that on the further investigation, which he promised, this vessel might be stopped. I told him, further, that it was reported to me that she had not been able to procure a crew; that the men, as long as the vessel lay so convenient to the British ports, deserted and returned to England, whence they came; that, as a consequence, Captain Campbell had become discouraged, and had made up his mind to go around to Cherbourg or Brest to complete his crew. That two or three days ago two vessels laden with coal had come to Calais from England, and they were now engaged in transshipping it preparatory to the Rappahannock's leaving port. He made a memorandum of the fact, and said the French government had adopted the *English rules* on these subjects. I told him those rules would prevent this vessel's going into another French port for three months, but I did not remember to have yet seen those rules published in the *Moniteur*. He said they had

without doubt been sent to the authorities at the several ports, and he, Mr. Drouyn de l'Huys, had supposed they had been published. At all events, he and the minister of marine had agreed that such rules should be enforced, except, I think, as to the article of coal. These rules, fairly applied, will diminish to some considerable extent the use of French ports by these rebel ships.

I have this morning received a telegram from Captain Winslow, stating that the Kearsarge is again at or off the port of Brest. M. Drouyn de l'Huys says that he believes those iron-clads at Bordeaux are sold to a neutral, but I receive information from Mr. Wood, our minister at Copenhagen, that the minister of foreign affairs of Denmark says he does not know, nor has he ever heard, of any negotiation for the purchase or building for that country of any ships in France. M. Drouyn de l'Huys tells me, and I do not doubt but that he has given notice to Mr. Arman (the builder of the iron-clads, and the contractor for the four other ships building for the confederates) that France must be relieved from all trouble in reference to any of them, and Arman has promised him that France shall be. He says that the four other vessels are building for commerce, and that he can and will sell them to neutral parties. In the mean time I can and will keep a sharp eye to the entire proceeding.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 485.]

DEPARTMENT OF STATE,
Washington, February 24, 1864.

SIR: Recurring to that part of your despatch of the 26th ultimo, No. 406, which relates to the absence of national cruisers to look out for the piratical vessels of the insurgents, I now transmit a copy of a letter of the 20th instant from the Secretary of the Navy on the subject, from which it appears that a scarcity of seamen has heretofore caused the deficiency referred to. Seamen, however, are now secured.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Welles to Mr. Seward.

NAVY DEPARTMENT, *February 20, 1864.*

SIR: I have the honor to acknowledge the receipt of your letter of the 17th instant, enclosing an extract from a despatch of Mr. Dayton of the 26th ultimo, relative to the efforts that are to be made, according to rumor, by the secessionists next spring, and expressing regret that of the great number of our ships of war enough could not have been spared to look after the small rebel cruisers now in French ports, &c.

In connexion with the remarks of Mr. Dayton I may be permitted to state that it is not the want of ships that prevents a more vigorous pursuit and a more strict surveillance upon the movements of the rebel cruisers at this time, but of

seamen to man them. It is a cause of regret that our seamen have (under the promise of large bounties and the refusal to credit, in ordering the draft, to the respective localities those who have entered the navy) enlisted in the army, and thus left us without men to man our ships.

Very respectfully, &c.,

GIDEON WELLES,
Secretary of the Navy.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Dayton.

No. 486.]

DEPARTMENT OF STATE,
Washington, February 25, 1864.

SIR: Your despatch of February 5, No. 411, has been received. It presents in a very clear and satisfactory manner the present state of the debate which you are carrying on with the French government concerning the Rappahannock, the iron-clads, and the attitude of France in regard to the United States as a maritime power engaged in suppressing an insurrection. These important questions have been so fully considered in recent despatches that it only remains for me now to approve the positions you have assumed in your recent communications with M. Drouyn de l'Huys and with the Emperor. One by one the majestic schemes of the insurgents come to naught. Two months ago a naval war seemed to have been prepared to be waged against us simultaneously from the British coasts and the shores of the British North American provinces, extending from the straits of Bellisle to the islands in the Carribean sea. Recent events seem to have exploded these views of a comprehensive naval campaign. The Chesapeake is restored, and her captors delivered to us as pirates. Still Great Britain and France persist in regarding the insurgents as a naval belligerent. It is not easy to see why the maritime powers persevere in derogating us from our true position until we shall have re-established it by another costly effort without incurring any obligations to them for their favor as friendly states.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 487.]

DEPARTMENT OF STATE,
Washington, February 25, 1864.

SIR: Your despatch of February 5 has been received. M. F. Maury's allegation that the report bearing the name of S. R. Mallory is spurious does not adequately impeach that document. It came to us in the same manner as the other pretended state papers of the insurgents. It betrayed facts and designs afterwards fully revealed, which, at the date of the papers, must have been known to the insurgent leaders, and yet of which no person not in their councils could be informed. The paper is characteristic of its assumed author. It has circulated in this country two months, and its importance, in the views of this government and of the country, has been fully indicated; yet it has not been disavowed nor its authenticity been questioned here to the knowledge of this

department. The pretence that insurgent newspapers are simulated here is purely absurd, under the circumstances. The merely unauthorized denial of its genuineness by M. F. Maury in London is deemed unworthy of consideration.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 488.]

DEPARTMENT OF STATE,

Washington, February 25, 1864.

SIR: Your despatch of February 3, No. 408, has been received, together with a copy of the protest which, on the 2d instant, you addressed to M. Drouyn de l'Huys against the anticipated proceedings of the French government in permitting the Rappahannock to depart upon her work of piracy against the extended commerce of the United States. In making this protest you have anticipated and executed in a very proper manner a recent instruction of this department, and your proceeding is, therefore, fully approved. You will, of course, make this approval known to M. Drouyn de l'Huys, and when doing so you will say that the President deems it not unbecoming to express his profound regret that a necessity for so serious a complaint has arisen in our intercourse with France—an intercourse in which everything on our part has been intended to be conducted in the spirit of an earnest and sincere friendship—which is believed to have been hitherto equally beneficial to both countries.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq.

Mr. Seward to Mr. Dayton.

No. 489.]

DEPARTMENT OF STATE,

Washington, February 25, 1864.

SIR: Your despatch of the 5th instant, No. 413, relative to the imprisonment and cruel treatment of J. H. Mansfield, esq., our consul at Tabasco, has been received. Your prompt attention to the case is approved. It is hoped that you have pursued the subject under the several instructions which followed No. 413, relating thereto.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 425.]

PARIS, February 26, 1864.

SIR: I have just learned from our consular agents at Calais and Brest that the adoption of the "English rules" (excepting, I presume, as to the article of coal) has been notified to the authorities at those ports, which notice having

been extended to the officers of the Florida and the Kearsarge, both these vessels have left the port of Brest. I have not, however, as yet seen any official announcement of the adoption of these rules.

By a letter just received from our consular agent at Calais, I am informed that the Kearsarge was yesterday at Dover, England.

The Rappahannock is yet detained in the port of Calais. I yesterday submitted to M. Drouyn de l'Huys the copy of another affidavit, of Charles Bennett, seaman, &c., sent to me from England, showing, among other things, that bull-rings, pieces of brass made to fit on the decks for the guns to travel on, enough for ten guns, and some copper fighting-bolts, which the guns rest upon to allow them to turn any way in use, being the necessary fitments for the guns to form the armament of the Rappahannock, has been received on board that vessel, while in the port of Calais.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 490.]

DEPARTMENT OF STATE,
Washington, February 27, 1864.

SIR: Your despatch of February 9, No. 419, has been received. In this communication you mention that the Archduke Maximilian, of Austria, is expected in Paris, and that circumstances may arise in which it will be necessary for you either to attend or to decline to attend ceremonies which may be observed in his honor as a sovereign of Mexico, and you ask instructions. I have taken the President's directions upon the question. If the Archduke Maximilian appears in Paris only in his character as an imperial prince of the house of Hapsburg, you will be expected to be neither demonstrative nor reserved in your deportment towards him. If he appears there with any assumption of political authority or title in Mexico, you will entirely refrain from intercourse with him. Should your proceedings become a subject of inquiry or remark, you will be at liberty, in the exercise of your own discretion, to say that this government, in view of its rights and duties in the present conjuncture of its affairs, has prescribed fixed rules to be observed, not only by this department, but by its representatives in foreign countries. We acknowledge revolutions only by direction of the President, upon full and mature consideration. Until such regular authority for recognition, we do not hold formal or informal communications with political agents or representatives of revolutionary movements in countries with which we maintain diplomatic intercourse.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 491.]

DEPARTMENT OF STATE,
Washington, February 27, 1864.

SIR: Your despatch of the 5th instant, No. 414, transmitting a printed copy of a report of M. Fould, the French minister of finance, illustrative of the facility

with which the government of France can borrow money of its own people, and their ability to lend, has been received. The condition of things thus indicated is a subject for felicitation to the French government and pride to Frenchmen.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 493.]

DEPARTMENT OF STATE,

Washington, February 27, 1864.

SIR : I have to acknowledge the receipt of your despatch of the 5th instant, No. 416, which gives a statement of your proceedings under instruction No. 455, relative to the pending proposal on our part for a convention for the settlement of claims, and to express my approval thereof.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 496.]

DEPARTMENT OF STATE,

Washington, March 2, 1864.

SIR : Your despatch of February 6, No. 418, has been received, together with a copy of a memorandum which M. Drouyn de l'Huys has placed in your hands.

That memorandum is as follows : It is affirmed that a contract has been entered into between the Juarist authorities of the State of Tamaulipas and the federal authorities, in virtue of which the latter were to forward a certain quantity of arms and munitions of war in return for the delivery of several thousands of mules.

You very rightly expressed to M. Drouyn de l'Huys a disbelief of the fact stated in the paper I have recited. It is uncertain whether by the term "federal authorities" is meant the government of the United States, or only the agents of this government in the vicinity of Tamaulipas. If the former is intended, then you are authorized at once to declare that the allegation in the memorandum is without any foundation in fact. If the other condition is to be assumed, you will in that case inform M. Drouyn de l'Huys that, so far as the government, or any department of it, is informed, or has any reason to believe, the allegation is entirely untrue. That, if it were true, the proceedings would be in violation of the instructions of this government, and would be denounced and censured. Although no evidence of the allegation is presented, the attention of the Secretary of War has been called to the subject and due inquiries will be instituted.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 498.]

DEPARTMENT OF STATE,

Washington, March 3, 1864.

SIR: Your despatch of February 11, No. 420, has been received, together with a copy of a note which was addressed to you by M. Drouyn de l'Huys on the 8th instant, in relation to the Rappahannock. After a careful consideration of the argument, which is presented in the last named paper, I am instructed to approve of your despatch, and to say that this government will deem itself bound to adhere to the positions you have therein assumed. You will, however, exercise your own discretion as to the point whether at this moment it is necessary to do more than to save ourselves from misapprehension by communicating the fact of our satisfaction with what you have done.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 427.]

PARIS, *March 3, 1864.*

SIR: I send you herewith the translation of a short note received last evening from Mr. Drouyn de l'Huys, together with a printed copy of the original instructions enclosed to me therewith. You will observe that certain articles included in the "English Rules" are here omitted.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

M. Drouyn de l'Huys to Mr. Dayton.

[Translation.]

DEPARTMENT OF FOREIGN AFFAIRS, CABINET,
Paris, March 2, 1864.

MY DEAR MR. DAYTON: Enclosed are the new instructions of the minister of the marine.

Yours, very sincerely,

DROUYN DE L'HUYS.

Rules in regard to belligerent vessels in French ports.

[Translation.]

MINISTRY OF MARINE AND OF THE COLONIES.

The minister of marine and of colonies to the maritime prefects; general officers, superiors and others, commanding at sea; commandant of marine in Algeria; governors of colonies; commissaries general of marine; chiefs of the marine service in secondary ports; and administrators of the maritime inscription.

(First direction.—Second bureau.—Movements.)

Rules to be observed in regard to vessels of belligerents.

PARIS, *February 5, 1864.*

GENTLEMEN: By its declaration of the 10th of June, 1861, inserted in the *Moniteur*, the Emperor's government has made known the principles which serve as a basis to the neutrality it intended to observe in the war which ensanguines North America.

Since then, these principles have received their application as well in our colonies as in the ports of the mother country.

But the continuation of the war having led the belligerents to carry the theatre of maritime hostilities into the neighboring waters of the neutral states of Europe, and brought them to seek in our ports the means of repairs or of provisioning, the Emperor's government has deemed it useful to remind you again of the rules to be observed in order to maintain its neutrality, conformably to public law and to the traditions of the French marine, and to determine consequently on the treatment which is to be applied without distinction of flag to the vessels of the belligerents.

You will therefore have to attend to the strict execution of the following regulations:

1st. No vessel-of-war or belligerent privateer will be allowed to stay more than twenty-four hours in a port of the empire or of the French colonies, or in the adjacent waters, except in the case of a forced putting-in on account of bad weather, of injuries, or of exhaustion of provisions, necessary to the safety of the voyage.

2d. In no case can a belligerent make use of a French port for a purpose of war, or for there supplying himself with arms or munitions of war, or for there executing, under pretext of repairs, works whose object is to increase his military power.

3d. There can only be furnished to a vessel-of-war or belligerent privateer the provisions, stores, and means of repair necessary for the subsistence of her crew and for the safety of her voyage.

4th. No vessel-of-war or belligerent privateer, allowed to take in provisions or to make repairs in a French port, can prolong her stay there beyond twenty-four hours after her supplies shall have been shipped and her repairs finished, except in the case hereinafter provided for.

5. When vessels-of-war, privateers, or merchant vessels of the two belligerent parties are found together in a French port, there shall be an interval of not less than twenty-four hours between the departure of any vessel of one of the belligerents and the subsequent departure of any vessel-of-war or privateer of the other belligerent. This delay shall be extended, in case of need, by order of the maritime authority, as long as may be necessary.

You will take care to make known the foregoing regulations to every vessel of either of the belligerents which may come into the ports, roadsteads, or waters subject to your command.

Accept, gentlemen, the assurance of my very distinguished consideration.

COUNT P. DE CHASSELOUP-LAUBAT,

Minister Secretary of State of Marine and of Colonies.

(Inserted in the official bulletin, 1864.)

Mr. Dayton to Mr. Seward.

No. 428.]

PARIS, *March 4*, 1864.

SIR: Your despatches Nos. 478, 479, 480, and 481, have been received.

I yesterday called the attention of Mr. Drouyn de l'Huys to the case of Mr. Mansfield, United States consul at Tabasco, imprisoned by orders of the French authorities at that place. I asked that he should be discharged from imprisonment and be permitted to return to the United States, and for explanations of the conduct of their authorities. I told Mr. Drouyn de l'Huys, furthermore, that our government had been so much surprised by the statement of the treatment their consul had received that they had sent a ship-of-war to the port of Tobasco, not to use any force, but to inquire on the spot as to the facts; that it was naturally felt that it would have been but just to the United States that they should have been notified of any complaint against their consul, and they would certainly have dealt properly with him. Mr. Drouyn de l'Huys said that such a notice to us would have been the usual form of proceeding in an ordinary case, but there was nothing in the official position of a consul which exempted him from the ordinary liability to answer like any other citizen, and that he did not know, nor had he yet been able to learn, what were the facts in the case of Mr. Mansfield. He assured me that he had already written to Mexico, and would give an answer at the earliest moment after receiving a reply. I suggested that it would seem to me as probable that the facts of such a case had already been reported; he said it was possible, though he knew of no such report, but he would inquire of the department of marine. At all events he assured me no unnecessary delay should occur in acting on the subject.

I am, sir, your obedient servant,

WM. L. DAYTON.

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 429]

PARIS, *March 4*, 1864.

SIR: In a conference with Mr. Drouyn de l'Huys on yesterday, he said he had some notes on his table in reference to the cases of the Florida and Georgia, which should have been sent to me before; but these vessels having been gone from the French ports for some time past, he now scarcely supposed it worth while to deliver them. I at once said that I much preferred they should be delivered even now. I preferred this because, as I told him, the action of this government in these cases, and analogous cases, extended beyond the occasions which gave rise to them; that France had been making rules of maritime law which might, at no distant day, be applied to herself. I thought it safest and best, therefore, for both parties, that a distinct understanding of the grounds on which she had placed herself should appear in and by her own written communication. Under these circumstances he at once handed me the two written unsigned communications, of which I herewith send you translations. The Rappahannock is yet detained in the port of Calais, under the direction of this government.

I am, sir, your obedient servant,

WM. L. DAYTON

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

[Translation.]

FEBRUARY 19, 1864.

As soon as the confederate ship *Florida*, which had been forced to take refuge in the port of Brest, was in a state to go to sea, M. the maritime prefect, conformably to the instructions of the government of the Emperor, signified to the captain of this vessel that he was to withdraw from French waters within 24 hours. The *Florida*, in consequence, left the night of the 10th February. During her stay in the port of Brest the competent maritime authorities have been careful that the rules of the strictest neutrality should be observed in regard to her. In the matter of powder, of arms, and of all that which constitutes, in a word, warlike armaments, the precautions have been pushed as far as possible. M. the maritime prefect, in order to avoid the incorrect statements which often arise in similar cases, was not willing that the powder of the *Florida*, which, according to the regulations, ought to be disembarked before her entrance into the port, be deposited in the magazines, it remained in the roadstead under the surveillance of a French agent. The crew of the *Florida* was not completed, and although, according to the captain, he wanted 45 men, whose presence was necessary for the working of the ship, information collected with the most scrupulous care authorizes us in saying that he has made no attempt to recruit French citizens.

[Translation.]

FEBRUARY, 1864.

M. the maritime prefect of the port of Cherbourg has rendered an account to M. the minister of the marine of the causes which opposed the departure from Cherbourg of the confederate ship *Georgia*, whose repairs are now completed. The captain of this vessel having been, as the instructions of the government of the Emperor prescribe, summoned to leave within a delay of 24 hours, has made known that the desertion of a great number of the men of his crew, particularly engineers, appertaining to the service of the engines, rendered it absolutely impossible for him to go to sea. The presence of other engineers being in effect indispensable to insure the navigation of the *Georgia*, there was there a case of *force-majeure*, which prevented the injunction addressed to the captain of the confederate vessel from being immediately followed; but M. the maritime prefect will take care that he conforms to it so soon as he shall be in a condition to do so.

No. 430.]

Mr. Dayton to Mr. Seward.

[Extract.]

PARIS, *March* 11, 1864

SIR: * * * * *

M. Drouyn de l'Huys informs me that there is nothing in agitation here calculated to disturb the good relations between the United States and France. He says that the archduke has not asked the Emperor to acknowledge the south, nor does he believe he has had anything of the kind in his mind. Certain English papers have been industriously propagating this idea, but there is, he says, nothing in it. He informs me that he believes certain English and French

capitalists, already interested in Mexican loans, will, in the hope of saving a part, at least, of their existing investments, make a moderate advance in addition, and that the archduke will, from these sources, be able to raise a small loan to meet his existing wants; but it seems to me this cannot carry him far unless France shall stand security, or give other material aid.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 431.]

PARIS, *March* 11, 1864.

SIR: I have again referred, in conversation with M. Drouyn de l'Huys, to the supposed negotiation reported by Mr. Morse, United States consul at London, for the cession of Texas to France for certain considerations. The supposed negotiation for the cession of Texas M. Drouyn de l'Huys assured me is without the slightest pretence of foundation. He said that France would not take Texas as a gift, even if it were accompanied with a handsome *douceur* besides; that she does not want it, and would not have it. That if the rumor were that she were about to part with some far off or distant possession we might give it some credence, but never while he was minister and his Majesty Emperor need I trouble myself as to the truth of any report which looked to the acquisition of distant territory. Their policy, he said, looked directly in a contrary way. Whether this comports well with their existing action in Mexico may, perhaps, admit of a doubt.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

No. 433.]

Mr. Dayton to Mr. Seward.

PARIS, *March* 11, 1864.

SIR: Mr. Drouyn de l'Huys informs me that in a recent interview with Arman, the ship-builder at Bordeaux, he, Arman, assured him that not only the iron-clad vessels he was building at Bordeaux but the other four vessels (two at Nantes and two at Bordeaux) would certainly be disposed of to neutral governments in such manner as to relieve France from any trouble or responsibility on the subject. These vessels, I may add, are in the steady course of construction, the work being constantly advanced upon them.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 504.]

DEPARTMENT OF STATE,

Washington, March 12, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch of the 19th of February last, which treats chiefly of your proceedings in the case of the Rappahannock; these proceedings are approved.

Mr. Geofroy called upon me yesterday, and said that he was instructed to speak with me upon that question. He repeated to me from M. Drouyn de l'Huys the representations which he had received from you, and which seem in conformity with the previous instructions of this department and your own reports. Mr. Geofroy then expressed to me M. Drouyn de l'Huys's views upon the subject, with the reasoning upon which these views were adopted.

These explanations did not differ in any material point from the assertions of M. Drouyn de l'Huys upon the case as you have conveyed them to me in your correspondence. In my reply I insisted upon the fact that the Rappahannock is a ship-of-war, a pirate escaped from British ports, and a fugitive from British justice, interposing to maintain the laws of nations. I trust that the evidence you have presented to the imperial government upon this point will be found satisfactory, as to this government it seems conclusive. M. Drouyn de l'Huys says that if the Rappahannock, after being released and getting afloat, shall receive an armament from the British shores, and commence her depredations as a pirate, that it would be Great Britain and not France against whom our complaints should be prepared; but Great Britain did listen to our complaints, and did make an earnest effort to prevent not only the equipping, but also the escape of the Rappahannock from British waters. Since she entered Calais without any change of character, it seems to us that we have much the same claim on the imperial government to detain her and defeat her criminal enterprise that we before had against Great Britain. We think that this view of the subject cannot be deemed remarkable, because by taking it we by necessary implication commit ourselves to pursue towards other states the same just and friendly policy which we are requiring from France.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 506.]

DEPARTMENT OF STATE,
Washington, March 17, 1864.

SIR: I herewith transmit to you, for your information, the copy of a translation of a note of the 11th instant from Mr. L. de Geofroy, the chargé d'affaires of France, and of the reply from this department of the 12th instant, relative to the presence of United States troops in Matamoras.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

[For enclosures see correspondence with the French legation.]

Mr. Dayton to Mr. Seward.

No. 435.]

PARIS, March 17, 1864.

SIR: Your despatches Nos. 482, 485, 487, 488, 490, 492, 493, and 494, are received, and their contents severally noted.

I am glad to find by these despatches that my action in regard to the Rappahannock has anticipated the wishes of my government, and I am pleased to inform you that this vessel has not as yet been permitted to go to sea. She is still in the port of Calais.

It may not be amiss to inform you that there is a large number of officers of the confederate navy in and about Paris; they seem to be awaiting events which shall determine whether they will be successful in getting out to sea vessels they have contracted for in England and France

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Dayton to Mr. Seward.

[Extracts.]

No. 436.]

PARIS, *March 18, 1864.*

SIR: • • • • • • • •

A pretended sale of rebel vessels to Denmark I have already reported to you, but Mr. Wood, our minister at Copenhagen, writes me that the minister of foreign affairs assured him there was no truth in this—at least there was none at that time; and should anything be done there, it will doubtless be promptly reported to me here. • • • • • • •

I had a long talk with Admiral de la Ronciere Le Noury, the person holding the place in the marine department next after the minister himself. He said that the Rappahannock was yet detained by the French government; that the gates of the dock where this vessel lies having been out of repair, and, therefore, not of themselves sufficient, as I understood, to confine her if she determined to leave, they had ordered a French ship-of-war around to Calais to lie off the dock to watch and prevent her departure if necessary. I assured him I was happy to hear this statement, and hoped that the French government would yet see its way clear to making an order for the permanent detention of this vessel.

Matters affecting our interests are apparently very quiet here at present; but if you have another disastrous spring and summer campaign, or even one of no useful and practical results, coming at the same time or in connexion with the immediate proceedings of the French with the archduke in Mexico, there will be a strong effort made here from different quarters for recognition of the south. I am heart-sick of this question, and was in hopes something definitive might be done in this campaign; but if the late reports are true harbingers of the future, it would seem that we are to have a repetition of the past—advancing and retreating, battles gained and battles lost, but ending in nothing decisive. The disaster in Florida, the return of the armies of the southwest to Vicksburg and Memphis, and the small progress of Farragut at Mobile have a very gloomy look for the future.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 437.]

PARIS, *March 19, 1864.*

SIR: I have the honor herewith to enclose to you a translation of a communication just received from Mr. Drouyn de l'Huys, in reference to the case of Mr. Mansfield, United States consul at Tabasco, Mexico.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Drouyn de l'Huys to Mr. Dayton.

[Translation.]

PARIS, *March* 18, 1864.

SIR: The correspondence of the French diplomatic and consular agents in Mexico not having informed me of the vigorous measures, of which Mr. Mansfield, consul of the United States at Tobasco, was the object, according to information received by the cabinet at Washington, I have requested my colleagues of the department of war and of the marine to make known to me if they had, on their part, any knowledge of the facts to which you have called my attention. M. le Marechal Randon and M. le C^{te} de Chasseloup-Laubat have just answered me that the reports of the commandant-in-chief of our naval division and of the superior commandant of Vera Cruz make no mention of an incident which, it seems, could not have escaped their attention. Although I have, on this account, no good reason to doubt the correctness of the information sent to Washington, I have, nevertheless, written to our consul at Vera Cruz, in order to obtain some more positive information in regard to this matter.

Accept the assurances of the high consideration with which I have the honor to be, sir, your very humble and very obedient servant,

DROUYN DE L'HUYS.

Mr. DAYTON,

Minister of the United States at Paris.

Mr. Dayton to Mr. Seward.

No. 438.]

PARIS, *March* 21, 1864.

SIR: I herewith enclose you a slip cut from Galignani, (the original being from the London Globe,) stating that I had intimated a readiness on the part of the United States to receive a minister from Maximilian, as emperor of Mexico, &c. These statements will, doubtless, be republished in our country. I need scarcely say that, so far as I am concerned, there is not a word of truth in them. I have never given nor thought of giving any such intimation as therein stated, either officially or unofficially, publicly or privately.

Whether there is any truth in the statement as respects Mr. Slidell, his application for a conference and its refusal, I know not.

I am, sir, your obedient servant,

WM. L. DAYTON.

HON. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

[From the London Globe.]

THE NEW GOVERNMENT IN MEXICO.—We have reason to believe that, on accepting the crown of Mexico, the emperor Maximilian will address from Miramas a formal notification of his accession to the throne, to all the princes and powers with which he desires to establish diplomatic relations. Among the number are the United States of America, Mr. Dayton, the American minister in Paris, having already intimated the readiness of his government to accredit a representative in Mexico, and receive a minister from the emperor of Mexico. Towards

the Confederate States the policy of Maximilian will be that of strict neutrality. By the advice of the Emperor Napoleon he will abstain from recognizing the independence of the southern confederacy, or entering into any diplomatic relations with it until France shall have done so. During Maximilian's visit to Paris, Mr. Slidell applied by letter to him for an audience. After consulting his imperial host, Maximilian firmly but courteously declined to grant it. The rumors, therefore, of an early recognition of the Confederate States by France and Mexico, and an alliance between the latter empire and the southern confederacy, are altogether devoid of foundation.

Mr. Seward to Mr. Dayton.

No. 507.]

DEPARTMENT OF STATE,
Washington, March 21, 1864.

SIR: I have the honor to acknowledge the receipt of your despatches of 3d and the 4th of March, together with new maritime regulations in regard to belligerent vessels, and translated copies of two letters which were addressed to you by M. Drouyn de l'Huys concerning the cases of the Florida and the Georgia, respectively.

These piratical vessels having been sheltered in French ports, and having received useful supplies and repairs there, and having then been suffered to depart to renew their work of destruction upon American commerce on the high seas, no good effect could be accomplished by replying now to the explanations which M. Drouyn de l'Huys has given, so far as the cases directly involved are concerned. It is important, however, to have it distinctly understood that this government insists now in these cases, as it insisted in the beginning of our domestic strife, that the decisions of the Emperor's government, like those of other maritime powers, by which the insurgents of this country, without a port or a ship, or a court of admiralty, are recognized by France as a naval belligerent, are in derogation of the law of nations and injurious to the dignity and sovereignty of the United States; that they have never approved or acquiesced in those decrees; and that they regard the late proceedings in relation to the Florida and Georgia, like those of a similar character which have occurred in previous cases, as just subjects of complaint. The same views are entertained so far as they apply to the new maritime regulations. We claim that we are entitled to have our national vessels received in French ports with the same courtesy that we ourselves extend to French ships-of-war, and that all real or pretended insurgent vessels ought to be altogether excluded from French ports. We expect the time to come, and we believe it is not distant, when this claim will be acknowledged by France to be both reasonable and just.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

[Extracts.]

No. 509.]

DEPARTMENT OF STATE,
Washington, March 21, 1864.

SIR: Having noticed that the authenticity of the report of the insurgent secretary of the navy, a copy of which accompanied the instructions to you, No.

453, of the 4th of January last, has been questioned, diligent inquiries have been made upon the subject. I am sorry to say that they have resulted in ascertaining that the supposed report was written by * * * * * This was just at the time when journals of a late date from Richmond had reached the north and the genuineness of the report was implicitly believed; my own convictions were of that character, and were so strengthened by the fact that public documents from the same quarter had always reached us in the same way. It seemed that the author of the surreptitious report was chiefly actuated by a desire to create the impression that he had means of communicating with the insurgent capital superior to those of his professional brethren, and superior enterprise in availing himself of them. Should a statement of the truth upon this point be found necessary, you can make one, with such reserve as may be deemed advisable.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.
(Same to Mr. Adams.)

Mr. Seward to Mr. Dayton.

No. 508.]

DEPARTMENT OF STATE,
Washington, March 22, 1864.

SIR: Your despatch of the 4th instant, No. 428, has been received. Your proceedings respecting the case of Mr. Mansfield, therein reported, are approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 510.]

DEPARTMENT OF STATE,
Washington, March 23, 1864.

SIR: For your information I give you a further correspondence between Mr. Geoffroy and this department on the subject of the proceedings of General Heron. I give you also a copy of resolutions concerning the French in Mexico introduced into the Senate by Mr. McDougall, of California.

It is not easy to understand here how any earnest debate upon such a question as Mr. Geoffroy has raised can promote the interest of either France or the United States, or contribute to a good understanding between the two countries.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

JOINT RESOLUTION in relation to the occupation of Mexico by France.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the occupation of Mexico, or any part thereof, by the Emperor of France, or by the person indicated by him as Emperor of Mexico, is an offence to the people of the republic of the United States of America.

SEC. 2. *And be it further resolved*, That the movements of the government of France, and the threatened movement of an Emperor improvised by the Emperor of France, demand by this republic, if insisted upon, war.

Mr. Dayton to Mr. Seward.

No. 440.]

PARIS, *March* 25, 1864.

SIR: Your despatches from No. 497 to No. 502, both inclusive, are duly received. I had already informed Mr. Drouyn de l'Huys that my action as to the Rappahannock, as well as to the Florida and Georgia, had been duly approved by my government. My notice to the French government, that they would be held responsible for all damages done by the Rappahannock, in case she should be permitted to go to sea, was in anticipation of that event, and in the hope that the question, being thus plainly presented in advance, they might prevent the wrong by forbidding her departure. It has, perhaps, some effect, for she is yet shut up in her basin, with strict orders not to permit her to depart without first obtaining the direct authority of this government. The officers of the ship, Mr. Drouyn de l'Huys informs me, "grumble" very much at their enforced detention, but he has informed them that France will not permit her ports to be used for the equipment of vessels-of-war for the confederates. I have just received notice from our consular agent at Calais, that Captain Campbell, as well as the first lieutenant of the Rappahannock, have left her and gone back to England, with a view, as they said, to buy and equip another ship there; and that a man named Fonteroy (his baggage is marked "Colonel Fonteroy") has taken command of the Rappahannock. Our consular agent thinks this is preparatory to the vessel's leaving; but it is quite certain that she has had no permit to leave, and had, a day or two since, on board neither arms nor crew for any hostile purpose, or indeed to do anything more than navigate her from one port to a neighboring port.

The Florida, I am advised, was recently at Teneriffe, for coal, and the St. Louis watching her; but the former stole out of port by night and escaped. I have this vessel and the Georgia so often reported to me by our consuls and consular agents at impossible or improbable places, that I have not thought it worth while to trouble you or the Navy Department with their speculations and rumors on these subjects. I have, I believe, in no case failed to make known to the French government the view which our government has taken of its action in the case of the aid given to these confederate vessels; but I do not think it wise to multiply *sharp points*, nor dignified to do more than make this government understand distinctly our views, and the action which we contemplate in future on these subjects. I have thus managed without compromising our government, or its interests, present or future, to keep my personal relations with French officials on the best footing. The importance of this, under all the circumstances, you will well understand.

I should add here, perhaps, as corroborative of my last despatches, that the Emperor (since the departure of the Archduke Maximilian) has said that he, the said archduke, while here, never spoke to him of recognizing the south, and made no such request of him for its acknowledgment, as is so generally reported in the English newspapers.

I am, sir, your obedient servant,

WM. L. DAYTON.

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 515.]

DEPARTMENT OF STATE,

Washington, March 26, 1864.

SIR: I have the honor to acknowledge, with much satisfaction, the receipt of your despatch of the 11th instant, No. 433. You will be pleased to make known to Mr. Drouyn de l'Huys the appreciation in which his action in regard to the iron-clads building at Bordeaux and Nantes is held by this government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

[Extracts.]

No. 516.]

DEPARTMENT OF STATE,

Washington, April 1, 1864.

SIR: I enclose a copy of a memorandum on the Talambo question, so called, between Spain and Peru. • • • • •

You will take occasion to refer to it in conversation with Mr. Drouyn de l'Huys, and to express a hope that the differences between the powers referred to on this point may be amicably adjusted, and that France will not counsel or suggest a course which might lead to any other result.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 518.]

DEPARTMENT OF STATE,

Washington, April 4, 1864.

SIR: Your confidential despatch of March 18th has been received. We are still expecting that the ships-of-war on which the insurgents are relying will not be suffered to depart from European ports.

In the confusion incident to national legislation and to the speedy organization of vast forces, it has happened that superior advantages have been unconsciously afforded to military enlistments over enlistments for the naval service. In consequence of this error the navy is now suffering for the want of twelve thousand seamen, while the armies of the United States are filled to the entire satisfaction of the government. Measures have, however, been taken to correct this inequality promptly, and I do not apprehend any inability to maintain our blockade and to restore the national prestige on the ocean.

You intimate a dissatisfaction with the military operations of the season, and you seem to apprehend a recognition of the insurgents by maritime powers if we shall not be more successful. I do not think that this country can again be alarmed by the fear of foreign recognition of the insurgents. We believe that the war has passed the crisis when recognition could guarantee success to the enemy. Recognition could, therefore, in our view, only enlarge the field of war. At the same time, I am sure that I need not say that we are no less earnestly

desirous than we have been, at all times heretofore, to guard against any new complication in our foreign affairs. I think that the discontent with our military operations, which you are experiencing, is the consequence of expectations unreasonably excited by the press of the United States. The defeat of General Seymour at Olustee, in Florida, was a surprise and was a disaster, but it was no more than that; it drew neither serious consequences nor strategic embarrassments after it. All our armies have been renewing themselves by the re-enlistment of veterans, whose terms of service were to expire in the spring, summer, and autumn. With a view to this end, many regiments have received furloughs of thirty days upon their re-enlistment, and thus the armies in the field have been temporarily much reduced during the inclement season, so that necessarily only two great military movements have hitherto been attempted or even meditated. The first of these was a movement of Sherman through central Mississippi, from Vicksburg to Meridian, with a view to break up the communications of the enemy, and relieve this government from the necessity of maintaining a large force on the banks of the Mississippi river during the coming campaign. Grierson's and Smith's movements were merely diversions auxiliary to, but not indispensable to the success of this purpose; and Admiral Farragut's demonstration against Mobile was a movement of the same character. Sherman accomplished all that he proposed, and so the one end of all these movements was attained. The Adjutant General is now placing colored troops in the garrisons on the river, while the veteran forces are proceeding to active duty elsewhere. The other movement which, as I have said, was contemplated in the inclement season, was an expedition up the Red river, to scatter the insurgents and destroy stores and communications on the west side of the Mississippi, so far as the border of Texas. The movement is now in progress, and thus far has been attended with success. We last heard of the combined land and naval force at Natchiteches, in Louisiana. It is not surprising that the enemy took alarm at these movements, and attributed to our generals designs more stupendous and much more hazardous than those really entertained. Our own press, of course unenlightened, gave license to its imagination, and promised achievements which were not even meditated by our commanders.

It is not unlikely that similar expectations may be based upon the reports of the press concerning the campaign which General Grant, who now is in command of all the military forces of the country, is organizing. It will be well, therefore, to be on your guard in this respect. What you may be assured of is, that our forces in the field and fit for duty are, independently of the new conscription, eight hundred thousand men; that they are distributed with a view to hold all the country we have reclaimed, and to bring the insurgents into battle whenever the circumstances are favorable. We do not expect cheap or easy victories, but we look for firm and steady progress. In this view the operations of the present year, although they have disappointed the public, have not been unsatisfactory to the government. It is the insurgents and not we who are the weaker for what has thus been done.

I ought not to overlook the important fact disclosed by the elections in Tennessee, Arkansas, and Louisiana, namely, that the population of several of the insurgent States, where it has not already been reclaimed to the Union, has been successfully divided, whereby the insurrectionary armies are continually reduced, and our own considerably augmented. If you study the publications of the day you will learn that free labor is already asserting its ability to produce cotton on the banks of the Mississippi, and upon the sea islands. There is a development of another kind too important to be overlooked. A great number of the people of the insurgent States, wearied of the war, and despairing of the restoration of order and peace there, are emigrating to the western territories. Governor Doty, of Utah, a very intelligent pioneer, estimates the augmentation of the population of the Territories, during the present year, at

500,000—equal to one seventieth part of the population of France. It can hardly be necessary for me to point out to your sagacious observation the value of these facts, as showing that every wound which is inflicted on the Union in one part results in our increase of strength in every other part. We need not fear that a political system which is so vigorous will perish.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 519.]

DEPARTMENT OF STATE,

Washington, April 4, 1864.

SIR: I transmit herewith for your information a copy of a despatch of the 4th ultimo from the consul of the United States at Monterey, relative to the present difficulties in Mexico.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, &c., &c., &c.

Mr. Kimmey to Mr. Seward.

[Extract.]

UNITED STATES CONSULATE, MONTEREY, MEXICO,

March 4, 1864.

SIR: The difficulty between the general government and Governor Vidaurri is daily becoming more complicated. A decree from President Juarez, separating the states of Nuevo Leon and Coahuila, was given at Saltillo on the 26th ultimo. The following is a translation of the first article: "The state of Coahuila will immediately re-assume its character as one of the free and sovereign states of the united Mexican States, separating itself from Nuevo Leon in which it was incorporated." The separation of the two states gives President Juarez control of the Cusen Hense or Piedras Negras. Governor Vidaurri refuses to recognize the authority of the president, and has declared his intention of driving him from Nuevo Leon and Coahuila, and for that purpose is raising all the forces he is able to arm.

Another decree from the president deposes Governor Vidaurri, and declares this state in open hostility to the government of Mexico. Communication between this place and Saltillo is almost entirely cut off; no provisions of any kind are allowed to come this way. No mails pass either way, and it is only by foreigners coming in that we are able to learn of the movements of the government troops.

The president has now, in addition to the troops he left here, a force of about two thousand men from Durango, commanded by Governor Petón in person, which, with the volunteers from Saltillo and other points in the state of Coahuila, swells his numbers to not less than five thousand men.

Governor Vidaurri has about twelve hundred men, but, with the artillery he has belonging to the government, he will be able to protect himself in the citadel against a large force.

An order was issued here on the 1st instant to the troops to prepare them-



selves to march in two days for Saltillo. The time was, to-day, further postponed until the 7th instant.

A man just in from Saltillo represents the troops of President Juarez preparing to march on this place. An advance of five hundred men were twenty miles this side of Saltillo.

A despatch from General Bazaine, of the French forces, to Governor Vidaurri was received a few days since. The following is its substance:

"In one hand peace is offered; in the other, war. If you accept the former, you must adhere to the intervention frankly recognizing the government which is established in Mexico. If, on the contrary, you decide for the latter, you must expect to suffer all the calamities incident to war."

The governor made, in substance, the following answer:

"I have not the power to choose between the two extremes which you propose, but will submit this vital question to the people, as I have always done on grave subjects, and their determination transmit to you as soon as obtained."

No advance of the French army has been made since my last communication; but, on the contrary, the report of their retreat to San Luis Potosi is quite generally believed.

The reoccupation of the Guadalajara by General Ureña, and the taking by him of four thousand French and Reactionaria prisoners, has given new heart to the Mexicans of the liberal party.

The French army in San Luis Potosi is levying contributions on the citizens for its support, and, instead of bringing peace, as they offer in every instance in advance, they bring misery on the people wherever their army goes.

* * * * *

Your obedient servant,

M. M. KIMMEY,
United States Consul.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Dayton to Mr. Seward.

No. 446.]

PARIS, April 4, 1864.

SIR: I herewith send you a slip cut from the *Moniteur* of the 1st instant. It is merely a reprint in a conspicuous position, without comment, of an editorial taken from the *Courrier des Etats Unis*. It has, however, attracted considerable attention here, because indicating, as is supposed, what yet continues to be the policy of the government as respects the acknowledgment of the south. The *Moniteur* is so exclusively an official paper that a reprint, without dissent, of anything which purports to give the policy of this government is looked upon by the public as equivalent to an indorsement of the truth of the statement. It is quite certain, at all events, that such republication in its pages is the manifestation of a purpose to induce the public to believe that such is its policy. If this be so, taking this reprinted editorial for our guide, France has yet no policy as respects the south; she yet "waits on events."

The editor of the *Courrier des Etats Unis* assumes that nothing has occurred to change the relative position of parties since this announcement to me by Mr. Drouyn de l'Huys, communicated in my despatch of 30th of July, 1863. Assuming that the reprint of this editorial in the *Moniteur* is even a quasi adoption of the views there expressed, you will find that the whole is richly worth a perusal.

I am, sir, your obedient servant,

WM. L. DAYTON.

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Translation.]

AMERICA.

We read in the *Courrier des Etats Unis* :

FRANCE AND THE UNITED STATES: To sum up, some two months ago the diplomatic correspondence exchanged during the year 1863 between Paris and Washington, by reproducing the clearness of a policy of entire reserve and forbearance on the part of France on the American question, which is found written in every line therein, we added that people should not, on this account, flatter themselves to have seen the end of the alarms of intervention, nor the rumors of a near approaching recognition of the south by Napoleon.

This foresight did not call for a great effort of the prophetic mind, and the realization thereof had not made itself to be awaited for. Once already, during the last month, we have had to notice pretended news of negotiations entered upon between Richmond and Paris, to bring about the simultaneous recognition of the confederate government on the one part, and of the Mexican empire on the other. More recently the department of State was obliged to give an official denial to certain assertions, which had reference to serious disagreements between France and the United States respecting the vessels being built for account of the south in one or two French ports. For some days past the newsmongers have again got to work and state with more certainty than ever that the cabinet of the Tuileries is upon the eve of recognizing Mr. Jefferson Davis.

During the past three years we have for more than twenty times been obliged to oppose this same bugbear, and as often has the event demonstrated its entire inanity. With a journalism less exclusively preoccupied with showing up without scruple and without examination the feeling of the day; with a public more accustomed to discuss matters of itself, and not to follow almost mechanically the bent which the press chooses to give it, this theme would at this day be worn out to the end of the tether, and should only raise a smile. Doubtless such is the case among a certain class of enlightened and observing minds, but the mass of the people continues to take for ready money all that is served up to it. We must, therefore, at the risk of tedious repetitions, oppose a new denial to each new assertion which is produced, since people lose sight incessantly of the teachings of the past.

We now, then, again repeat the assertion already so often given in this same place, upon the attitude and intentions of France respecting the American question.

This attitude and these intentions remain such as they have been since the first day of the war; such as they have constantly revealed themselves in the diplomatic correspondence of the last three years.

In order to leave the present view (thought) of the imperial government, one need only read over again the despatch of the 30th of July, 1863, in which Mr. Dayton relates an interview which he had just had with Mr. Drouyn de l'Huys, in relation to rumors similar to those which we relate to-day.

The American diplomat then wrote :

"I have called his attention to the fact that the papers of our country were commenting very much at this time upon the attitude taken by the Emperor, and his intentions respecting the recognition of the independence of the south.

"I asked him besides, categorically, what was the policy of the Emperor towards the south. You will observe that in this manner I approached my subject, without saying that formal instructions from my government enjoined upon me to interrogate France upon these questions.

"In reply to my question upon the policy of the Emperor towards the south, he said to me that he had none; that he awaited events. You will remember, doubtless, that I have told you heretofore that in my opinion such was the case."

This very clear declaration of the minister of foreign affairs of France, corroborated by the personal conviction expressed by Mr. Dayton, leaves not room for the shadow of a doubt as to what were, some eight months ago, the views and the line of conduct of the cabinet of the Tuileries. It goes at the same time beyond the period at which it was. In saying that the imperial government limited itself to await events, Mr. Drouyn de l'Huys indicated formally that a new situation could alone bring about any change in this expectant attitude. But nothing of the kind has occurred since then. The relative position of the belligerent parties is to-day exactly what it was at the end of the month of July last. France has, therefore, had no reason to modify her policy of expectancy. To suppose that she has done so, is to impute to her a gratuitous inconsistency, contrary to all her usages, still more contrary to the line of conduct from which she has not swerved a single moment in the American question.

The impartial historian, who will be called upon at a later day to judge of the international view of that civil war, will have, in fact, to acknowledge that, in the midst of the imaginary shifts which newsmongers and the public anxiety have imputed to it, the imperial government has never deviated from the part (*rôle*) which it laid out for itself at the commencement of the contest. If it had had only the tenth part of the after-thoughts of intervention which have been ascribed to it, assuredly neither interest nor opportunity has been wanting to it. Our suffering commerce; the prospect of the advantages of every sort with which the south is ready to repay its official recognition; the complication and the turn, both unexpected, of the Mexican question; the declared and unjustifiable ill will of the press of the north; the limits assigned by Mr. Seward to the termination of the contest and ten times overrun; the regular working and the undeniable vitality of the confederate government—here are more motives and more pretexts than the United States themselves have often asked in order to give their moral support to revolutionary movements. The fact that France has not been willing to avail herself of them, though the favorable moments have not been wanting to her, should at least shield her from idle imputation to which her whole conduct gives the lie, and which become offensive by dint of reproduction without cause of existence.

The only two acts through which the cabinet of the Tuileries has momentarily deviated from its part of a simple spectator, are the proposition made in November, 1862, to England and Russia to offer the good offices of a joint mediation to the federal government; then the despatch of the 9th January, 1863, in which it suggested the possibility of conferences between the two belligerent parties, without on that account suspending the progress of hostilities. Writers who are interested in perverting the facts, or who are led astray by a false national pride, have affected to see in his double proceeding an offensive intermeddling. The good sense of the public has already in part done justice to this singular appreciation; as time lapses it will acknowledge the more and more all the true good will and sympathy which this attempt contained for the Union, made, besides, with so much delicacy and reserve. Perhaps even the future will reveal that, if it had obtained the concurrence of the cabinets of St. Petersburg and London, the idea of France might not have been either so fruitless or so badly received at Washington, as it was by remaining in the state of an isolated initiative. That which is now undeniable, under all circumstances, is, that while seeking to make the belligerent parties enter into the path of negotiation, the imperial government has tried the only effort which has been made during three years to conciliate the north and south, with the end of reconstructing the former state of things. Whilst all the other powers witnessed, unmoved and indifferent, if not secretly content, the contest in which the great-

ness of America is gradually sinking itself, France alone has attempted to open the door to a reconciliation. Taking this for granted, in order to impute to her incessantly malevolent intentions, is a singular reasoning, while at the same time it is an act of blind ingratitude. If the ear has been closed to her friendly voice, let her not at least be reproached because, at an hour which she had powerful reasons for believing propitious, she had desired to point out the path to safety.

France "awaits events;" this is the part which has been assigned her. She does not think of changing, and the newsmongers who seek to circulate the contrary would do well to ponder over this phrase, which we borrow again from a despatch from Mr. Dayton.

"If the press of the United States could be made to understand the evil which it does us abroad by exaggerating and commenting upon these kind of rumors I am persuaded that it would exercise more reserve."

Mr. Seward to Mr. Dayton.

No. 520.]

DEPARTMENT OF STATE,
Washington, April 5, 1864.

SIR: Your despatch of the 19th ultimo, No. 437, respecting the case of Mr. Mansfield, has been received with pleasure.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 521.]

DEPARTMENT OF STATE,
Washington, April 5, 1864.

SIR: I have to acknowledge the receipt of your despatch of the 21st ultimo No. 438, giving me a slip from Galignani's Messenger, reprinting from the "Globe," of London, a statement in regard to an alleged willingness of the United States to accredit a minister to and receive one from the proposed Emperor of Mexico. We were well aware that there was no foundation for the statement and proper measures have been taken authoritatively to contradict it.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 447.]

PARIS, April 7, 1864.

SIR: Your despatches, Nos. 507, 508, and 509, are duly received.

I am specially annoyed by the facts stated in despatch No. 509. If there be any mode of punishing the author of the unprincipled and dishonest fabrication of the report attributed to Mr. Mallory, I hope it will be done.

Acting under your instructions, I not only communicated to Mr. Drouyn de l'Huys the extracts from the spurious report which you first sent me, but subsequently handed to him the entire report, which was also received from you or your department.

I have daily been expecting from him a reply, as these papers, at his request, were left with him for that purpose.

I observe that Earl Russell, yesterday, in his place in Parliament, informed the house that Mr. Adams had told him that this pretended report was a forgery, and this statement is already copied in the French newspapers.

I have seen Mr. Drouyn de l'Huys to-day for the first time since the reception of your despatch, and immediately told him you were satisfied a fraud had been practiced upon the public and on our government in reference to this paper. He had evidently not attached much importance to the subject, as I had some difficulty in recalling to his mind what paper I was alluding to. I was the more surprised at this, as I left the papers with him, as before said, at his own request, he meaning, as I inferred, to give a written answer.

The confederates will take special pains to create the impression that a fraud has been practiced by our government, and not a fraud upon it. The spirit manifested will be seen in the annexed slip from their English organ, the "Index," cut from Galignani, of this morning, in which, by the way, all that is evil and against us is always promptly copied.

I am, sir, your obedient servant,

WM. L. DAYTON.

HON. WILLIAM H. SEWARD,
Secretary of State, &c.

[From the Index.]

MEDDLER AND MUDDLE.—Some curious revelations have come to our knowledge about the remonstrance which her Majesty's government has announced its intention to address to that of the Confederate States, upon the basis of an alleged report of the confederate secretary of the navy, which is denounced by the confederates in Europe as a forgery. It will be remembered that the recall of three of the four British consuls within the confederate jurisdiction, and the dismissal by the confederate government of the fourth and last remaining, left the foreign office no alternative but to communicate with the authorities at Richmond by a special envoy. For this delicate mission Mr. Crawford, her Majesty's consul-general at Havana, was selected, and it must be admitted that in this selection Earl Russell displayed far more tact and discretion than he has of late been able to claim credit for. Mr. Crawford, both before and since the war, has been well and favorably known in the southern States, and is universally esteemed there. Few persons, therefore, could have been found better adapted to discharge so disagreeable a duty without giving offence. Before, however, proceeding in person to Richmond, he was instructed to acquaint the confederate government with the nature of his communication, and ascertain whether it would be received. For this purpose the steamer Petrel was sent to a confederate port, but was peremptorily refused admission by the federal blockading squadron, on the ground that no direct communication with the confederate authorities by a foreign government could be permitted. Here the matter stands at present, and it leaves Earl Russell in no very agreeable or dignified dilemma.

It is generally believed in confederate circles that the object of the Washington government is to delay as long as possible the official exposure of the forgery, which must inevitably ensue on the presentation of a remonstrance based upon a document to which the name of the confederate secretary of the navy is fraudulently appended.

Mr. Dayton to Mr. Seward.

No. 448.]

PARIS, April 7, 1864.

SIR: Mr. Drouyn de l'Huys has informed me to-day that Arman had sold to Sweden those two iron-clad rams now being built by him at Bordeaux for the confederates. He assured Mr. Drouyn de l'Huys that the affair was completed, and offered to show him the contract which he then had in his hands. Mr. Drouyn de l'Huys says he did not examine the contract, but says he is satisfied that the sale has been made. I told him frankly I had little confidence in Arman's statements on this subject, and should immediately write to our minister at Sweden to make sure of the facts. I shall do so by this mail.

Mr. Arman said likewise that he was seeking a neutral purchaser for those clipper ships, although, as he said, these were mere vessels of commerce. Two of them are advertised in the Bordeaux papers to sail in the China line—one called the Yeddo, on the 30th of this month; the other, called the Ozaca, on the 30th of next month.

The Rappahannock, yet in the basin at Calais, he says, is a great trouble to him. He seems scarcely to know what ultimately to do with her.

It seems he has a committee of jurisconsults connected with his department as advisers, and says he means to submit the facts to them.

I have, of course, made him aware from the beginning that the treatment given to these insurgent vessels was looked upon by us as a violation of international law, and as involving a just ground of complaint by us against the French government.

I have told him, too, that our government held all restrictions imposed by port rules on our vessels-of-war differing from those imposed by us upon their vessels, as illegal and unjust. That we claimed in their ports every courtesy that we extended to them in the ports of our own country.

I do not think there can possibly be any misunderstanding as to our meaning on these questions.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 524.]

DEPARTMENT OF STATE,
Washington, April 8, 1864.

SIR: Your despatch of March 25, No. 440, has been received.

You allude therein to a report that reaches us through English journals of effect that it is arranged that the projected imperial government in Mexico shall soon extend a recognition to the insurgents at Richmond. The contradiction of this report, on the authority of the Emperor of France, as you have communicated it to me, is gratifying, although no credit whatever has been given here to the statements referred to. On the contrary, it has not seemed probable that the Prince Maximilian could extend his guardianship to insurgents here while yet engaged in a struggle with the existing authorities of Mexico, unless indeed he was assured of support in that event by the government of France. Nor has it seemed probable, in view of previous explanations of M. Drouyn de l'Huys, that the Emperor of the French would be anxious to enlarge his responsibilities concerning American politics, at least before the Mexican problem should have definitely reached a solution.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq.

Mr. Seward to Mr. Dayton.

No. 526.]

DEPARTMENT OF STATE,
Washington, April 9, 1864.

SIR: Mr. Geofroy, chargé d'affaires of the Emperor, has submitted for my perusal a despatch which, on the 21st of March last, was addressed to him by M. Drouyn de l'Huys, in which he renews a request that the French government may be allowed to send to this country some officers who shall have facilities for observing military arrangements and preparations on both sides of the civil war, with an exclusive view to their bearing on improvements in the art of war. M. Drouyn de l'Huys, in support of this request, reminds us that all governments which follow with most marked interest the progress of military art have, every time when war has broken out, obtained the privilege of attaching officers for making such observations to general staff of each of the belligerents.

We have cheerfully acceded to this urgent application, so far as it relates to the army of the United States, but we cannot extend the commission so as to permit commissioners to pass our lines to make observations among the insurgents. You need not be informed that the United States have not only not recognized the insurgents of this country as a lawful belligerent, but that this government constantly protested against the award of that character to them by France, and other foreign powers. We have distinctly asserted that they ought to be regarded by all friendly powers as avowed insurgents.

The President has not deviated from this line of policy, and could not with a just regard to the public welfare deviate from it further than to alleviate the severities of the painful conflict by such exceptional practices in regard to prisoners of war as the sympathies of fraternity and humanity require.

We have no jealousy of France, and have perfect confidence that such a military commission as she proposes would conduct itself with entire abstinence from whatever might be prejudicial to the United States. But at the same time we cannot fail to see that the insurgents themselves would infer from such a concession to France that we were willing to regard them as a recognized military power, and that this erroneous interpretation would have a tendency to prolong their resistance to the national authority. Not long ago her Britannic Majesty's government applied to the United States for leave to send an agent through our military lines to remonstrate with the insurgents. It was believed that such a remonstrance could not in itself be injurious to the interests of this government; but the request was nevertheless declined upon the same general ground that I have assumed in this communication.

You will please make these necessary explanations to M. Drouyn de l'Huys, with the assurance that the President sincerely regrets that he finds himself obliged to withhold a courtesy which would be gratifying to the Emperor of France. I have frankly made known to Mr. Geofroy the contents of this despatch.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq.

Mr. Dayton to Mr. Seward.

[Extract.]

No. 449.]

PARIS, April 11, 1864.

SIR: After sundry impediments, which, it would seem, have rendered the action of the Archduke Maximilian somewhat uncertain, and have much delayed

his departure, it would seem he has at last accepted the offered crown of Mexico, and to-day he starts on his most adventurous career, going to that country by the way of Rome that he may receive the benediction of the Pope. I enclose you a slip, cut from Galignani, giving the substance of his speech to the Mexican deputation upon accepting the crown offered by them, and likewise another short slip, cut from the *Moniteur*, being its only comment of to-day on the subject. The French papers say that his government will not only be promptly acknowledged by the Catholic powers, but by all the leading governments of Europe, including England, Russia, Prussia, and France. For something like this you will, of course, be prepared.

I need not say what I have in substance said before, that I look upon this proceeding with intense anxiety. Nothing has occurred since my residence at this court which foreshadows future difficulty with France so probably as its action in this matter. God grant that it may be long delayed, and, if possible, avoided; but I fear.

I am, sir, your obedient servant,

WM. L. DAYTON.

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

"TRIESTE, 10th.—The Emperor arrived at Miramar yesterday morning at eight o'clock. After signing the documents and taking breakfast, his Majesty returned to Vienna, accompanied by the archdukes and Count de Rechberg. Their Mexican Majesties will leave to-morrow at 4 p. m. The reception of the deputation takes place this day."

"TRIESTE, 10th.—This day, a little before noon, took place, at Miramar, the official reception of the Mexican deputation, and the acceptance of the crown of Mexico by the Archduke Maximilian. M. Gutierrez de Estrada, the head of the deputation, delivered a long address, in which he dwelt on the importance of the national vote of Mexico. The archduke, replying in Spanish, said that he felt not the slightest doubt, from the act of adhesion just presented to him, that the immense majority of the country were in favor of the imperial form of government, and of himself as the head of the state. The choice of the country had been laid down in his reply of October 3 as one condition of his acceptance; and another was that full guarantees should be given of his being able to devote himself peaceably to the task of advancing the prosperity of the country. Those guarantees were now fully assured, thanks to the magnanimity of the Emperor of the French, who, during the whole of the negotiations, had shown a straightforwardness and kindness which he (the speaker) could never forget. 'The illustrious head of my family,' pursued the archduke, 'having given his consent, I now declare that, relying on the assistance of the Almighty, I accept the crown offered me by the Mexican nation. As I stated in my address of October 3, I shall endeavor to place the monarchy under the authority of the constitutional laws as soon as the pacification of the country shall be complete. The force of a government is, in my opinion, more assured by sound regulations than by the extent of its limits, and I shall be anxious for the exercise of my government to fix such bounds to it as may insure its duration. I shall hold firmly aloft the flag of independence, as the symbol of our future grandeur. I call for the co-operation of all the Mexicans who love their country to aid me in the accomplishment of my noble but most difficult task. Never shall my government forget the gratitude it owes to the illustrious sovereign whose friendly support has rendered the regeneration of our noble land possible. I am now on the point of leaving for my new country, paying, as I go, a visit to Rome, where I shall receive from the holy father that benediction which is so precious for all sovereigns, but above all to me, called, as I am, to found a new empire.'"

[Translation.]

PARIS, April 10.

To-day, the 10th of April, at ten o'clock in the morning, the Archduke Maximilian received at his palace of Miramar the Mexican deputation charged with the duty of offering to him the crown. Mr. Gutierrez de Estrada, the head of the deputation, made a speech to his imperial and royal highness on presenting to him the vote of the people of the various localities.

The archduke replied by a formal acceptance.

The head of the deputation thanked his Majesty, and laid at his feet the testimonial of fidelity of the Mexican nation.

Immediately the Mexican flag was hoisted on the palace, and was saluted with twenty-one guns. A *Te Deum* was sung.

To-morrow, at four o'clock, the Emperor and Empress of Mexico will set out for their new dominions.

Mr. Dayton to Mr. Seward.

No. 450.]

PARIS, April 14, 1864.

SIR: I herewith enclose to you a number of slips, cut from Galignani of the 12th, 13th and 14th of this month, in reference to the Archduke Maximilian, and his acceptance of the throne of Mexico, which I have thought might be interesting to you.

I am, sir, your obedient servant,

WM. L. DAYTON.

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

The *Mémorial Diplomatique* gives a long account of the reception of the Mexican deputation at Miramar on Sunday. As the archduke always throws open his park to the public on holidays, an immense crowd collected to witness the arrival of the procession. The account says:

"Four carriages, belonging to his imperial highness, preceded by outriders, went to convey the deputation from the hotel where they had lodged at the expense of the archduke. The deputation was composed of M. Gutierrez de Estrada, the president; Colonel Velasquez de Leon, ex-minister; M. Aguilar, ex-chargé d'affaires; General Woll; M. Esandon, banker; and M. Landa, merchant. A number of eminent Mexicans, among whom were M. Arrangoiz, ex-minister of finance; M. Murphy, formerly Mexican envoy at London. Colonel Fatio, M. Gutierrez de Estrada, jun., with several generals, colonels, and other officers, accompanied the deputation. All were in full uniform, as were also the officers of the household of the archduke, aides-de-camp, and the chamberlains. The deputation, after being received by Count Zichy, who filled the functions of grand master of the household of his imperial highness, were introduced into the grand drawing-room, into which the Archduke Maximilian, wearing the uniform of an Austrian vice-admiral, immediately afterwards entered. The French and Belgian ministers in Austria were present at the solemnity. M. Gutierrez de Estrada then delivered a speech in the Spanish language expressing the joy felt by the Mexican deputation in finding themselves in presence of his imperial highness; they had come in the name of the imperial regency to announce that the vote of the notables which had conferred the crown on him is

henceforth ratified by the enthusiastic adhesion of the immense majority of the country; the unanimous acclamation of the notables of Mexico, of the municipal authorities and of the popular corporations has become a truly national vote."

The archduke then made the reply which has been transmitted by telegram. The account then goes on to say :

"As soon as the archduke had uttered the last word, the deputation and all the Mexicans present acclaimed their new sovereign by crying out three times 'God save the Emperor Maximilian I.' 'God save the Empress Charlotte!' At the same instant, salutes of artillery, fired from the bastions of the castle, announced to the public the accession of the Archduke Maximilian to the throne of Mexico, and were immediately followed by other salutes from the port and town of Trieste. Then M. Gutierrez de Estrada, as president of the deputation, returned thanks to his Majesty for his definitive acceptance of the Mexican crown. He said :

"Sire, this complete and absolute acceptance on the part of your Majesty is the prelude of our happiness; it is the consecration of the salvation of Mexico, of its approaching regeneration, of its future greatness. Every year, on this day, our children will offer up their thanksgivings to Heaven in gratitude for our miraculous deliverance. As for us, sire, there remains a last duty to perform, and that is to lay at your feet our love, our gratitude, and the homage of our fidelity."

On saying those words the president of the deputation bent his knee and kissed the hand of the new sovereign, according to Spanish custom, as a mark of homage. His example was followed by all the Mexicans present. A proces verbal of the acceptance of the crown of Mexico having been drawn up, the Emperor Maximilian first affixed his signature to it, after which the members of the deputation did the same, and lastly the notable Mexicans. That ceremony having been accomplished, the deputation proceeded into the apartments of the Princess Charlotte, whom they also proclaimed, and rendered homage to her in the same manner. While those things were taking place at Miramar, the news of the proclamation of the Emperor of Mexico had already reached Trieste, and the bishop had a solemn *Te Deum* of thanksgiving celebrated in the cathedral of San Giusto, at which all the authorities of the town were present. Salutes from the batteries were fired at the same time. On the same day M. Velasquez de León, minister without portfolio, and General Woll, chief of the military household, took possession of their respective posts near the person of the Emperor. In the evening there was to be a grand dinner at Miramar, when the new Emperor was to appear for the first time in the uniform of a Mexican lieutenant general, modified on the model of the French army. His Majesty Maximilian I will also wear the insignia of the order of the Virgin of La Guadalupe and of the national order of Mexico. A grand representation and a full-dress ball are to be given at the theatre at Trieste by the municipality."

The same journal likewise gives some information as to the settlement of the difference which has arisen concerning the Archduke Maximilian's position in the reigning family in Austria. It says :

"To avoid dynastic quarrels and obviate the partition of the patrimonial property of the house of Austria, a family law imposes on every archduchess contracting marriage the obligation of signing an act of renunciation. By this engagement she undertakes not to raise for herself or for her descendants of either sex any pretensions to the eventual succession to the throne, nor to any participation in either the endowments raised on the patrimonial property, or the inheritances which might fall in *ab intestato*. The creation of the patrimonial property dates from the reign of Maria Theresa; a considerable portion of the family property was set aside for the extraordinary requirements of the different members of the family. The Grand Duke of Tuscany and the Duke

of Modena, for example, now receive from that source incomes which could not figure on the budget of the state. Until now these acts of renunciation had only occurred on the marriage of archduchesses. The acceptance of a foreign crown by an archduke is a fact without precedent in the annals of the house of Hapsburg. Was it advisable to subject the archduke to the above-mentioned law? A family council, which assembled during the last stay of the archduke in Vienna, took the question into consideration. Different considerations caused the majority of its members to decide in the affirmative. The Archduke Maximilian is the first agnate. As such, if (which Heaven forbid) the Emperor Francis Joseph should die without a male heir, he would be called on by right to the succession to the throne. There was so little time after the return of the archduke to Vienna from Brussels, where he received the final vote of the Mexican nation, that it was not possible to make all the family arrangements before the time first fixed for receiving the deputation. He was therefore called on to give his adhesion to a copy of the acts of renunciation which the archduchesses usually signed previously to their marriage, and which had always hitherto remained in the same form. In the precipitation which circumstances rendered necessary, the great difference between an archduke accepting a foreign crown and an archduchess marrying a foreign prince had been overlooked. Every princess by her marriage ceases to belong to the imperial family, and loses her quality of agnate to such an extent that her heirs are only entitled to the title of cognates. The Archduke Maximilian, on the contrary, still retained his title of first agnate, after accepting the sceptre of Montezuma. This consideration justifies the objections which the archduke raised against the document submitted for his signature. Negotiations were found necessary to bring matters to an arrangement. As regards the former, the wording of the act has been completely changed, in order not only to remove whatever might wound the prince's feelings, but also to mention the spontaneousness of his resolution. As regards the substance, the prince, having firmly resolved to devote himself to the destinies of the people which has chosen him, renounces for himself and his heirs, of both sexes, all right to the eventual succession to the throne of Austria *so long as the new Mexican dynasty shall continue to reign*. The renunciation is therefore not absolute. In declaring that the effects of his renunciation will continue so long as his dynasty shall reign, he implicitly deprives himself of the right of abdicating, except under the pressure of causes independent of his will. He also engages to respect accomplished facts in the interior of the Austrian monarchy. After leaving, if during his absence one of his brothers should be called on to succeed to the throne, he would recognize him as legitimate sovereign. We have no need to point out the extent of the concession at the point of view of Mexican interests. But that is not all: the archduke has made other sacrifices; he has abandoned the half of his apanage, and the whole of his rights of succession *ab intestato*. The future Empress, as archduchess, received a sum of 20,000 florins (50,000 fr.) as pin money; wishing to join in the disinterestedness of her august husband, she has also renounced that income. Finally, the difficulties of which we have just pointed out the origin and the conclusion, will have, on the whole, only served to place more in relief the noble and generous character of the archduke."

The late proceedings at Miramar and the acceptance of the Mexican throne by the Archduke Maximilian are remarked on by several of the Paris journals, which seem to draw a long breath of satisfaction at finding this apparently interminable affair at last brought to a close. The *Constitutionnel* has the subjoined observations:

"Every one is well aware to what a condition anarchy, under the form of a republic, had reduced Mexico. Both France and Europe knew only too well the deplorable state, as far as concerns both her material and her moral interests, into which that unfortunate country had fallen, in consequence of the ephemeral

and spoliating governments, scarcely recognized at home and despised abroad. what is less known is that Mexico, already despoiled of half her territory, was the sure and speedy conquest of the United States. The word conquest, however, is too noble; for Mexico was put up to the highest bidder. If the disgraceful contract had been realized, the consequences of it would have been incalculable, the Latin races would have received a check from which they would with difficulty have recovered. The principles of civilization, which constitute our moral influence in the world, would have been deeply interfered with; that is the idea which the Emperor Napoleon III expressed with extraordinary energy in his letter to the commander-in-chief of the French expedition. Mexico, by the re-establishment of the monarchy, returns into her traditional path, and again finds the true conditions of order and prosperity without sacrificing anything of her independence. What a noble mission for the young prince who accepts it so boldly, and comprehends it so well. France will thus have once more merited well from civilization. Once more short-sighted politicians will have been in the wrong, and, thanks to the great prudence which presides over our destinies, and to that perseverance which triumphs over obstacles and marches forward to its object with admirable calmness, this regeneration of Mexico which is being prepared will be one of the noblest pages of our civilizing mission in the world."

The *France* also has some remarks on the same subject, the following being an extract:

"The acceptance of the throne of Mexico by the Archduke Maximilian is for France a complete solution. Her task is finished. Her army will now return home in succession, with the prestige of a fresh glory and the consciousness of having performed one of the most considerable works of the present age. The expenses which that great expedition has entailed are about to be reimbursed with all the legitimate indemnities that French subjects can claim. We have in the face of history the honour of having constituted, alone, in spite of the desertion of our allies, and notwithstanding the difficulties and perils of the undertaking, in the rich regions of Central America an empire, the stability of which is important for the interests of the whole world. It is not only a triumph for the French flag, but also for our principles. The Mexican empire is established on the basis of popular suffrage, which is, in the new right of which France is the expression, the only legitimate foundation of governments. It is also a triumph for that great policy which occupies itself before all with the general balance of power of modern nations, and which, in establishing in Mexico a strong, national, and regular government there, defends at once the interests of Europe and those of all the nationalities of South America. Lastly, French interests must there find guarantees and particular advantages, which cannot fail to excite attention. There has been created on the other side of the Atlantic, by the victories of our soldiers, an empire which owes its existence to us; which the bonds of the most cordial friendship and of the most legitimate gratitude must unite to us; which will give fresh strength to the straightforward influence of our policy in the New World, and open the unexplored treasures of its vast territory to French commerce and industry. The dignified and elevated speech delivered by the new Emperor, on receiving the Mexican deputation, proves how highly he appreciates and how much he desires to second the generous views of France. He twice expressed, in the warmest terms, his deep gratitude and his lively sympathy for the sovereign whose firm policy has conquered for him a powerful throne. The work of France is terminated. That of the Emperor Maximilian now begins."

The *Nation* expresses itself in these terms:

"There is above all a fact, which ought to be placed in the strongest light. In accepting the throne of Mexico in virtue of popular right, the Archduke Maximilian renders to that source of authority a striking homage, which is the more precious that it emanates from a Hapsburg, and a member of that dynasty

which thus far has the most openly disdained and outraged the principle of national sovereignty. We are about to witness the strange spectacle of two brothers, one of whom in Europe overrides that principle of nationality from which the other in Mexico demands the consecration of his sovereign power. We shall, no doubt, be permitted to invoke this precedent when we are contending against the policy of Austria in Italy, Hungary, and elsewhere. The example of Maximilian I promises, besides, other arguments to the defenders of liberal causes. The prince proposes to inaugurate a constitutional regime which will soon replace, in his hands, the constituent power which has provisionally devolved on him. The fact must not be concealed that in a country disordered and ravaged by civil war, the reign of liberty will be difficult to establish; in such a regime is, however, the only hope of safety. A system of government which has been preceded by a foreign rule should more than any other invigorate and strengthen itself by the employment of the national resources. An abuse of power could only give the prince a temporary authority; by a liberal government only can be effected a reconciliation and a pacification of all the opposing elements by which Mexico is disturbed. Arbitrary power will, besides, not be easily implanted in a country which has thrown off the yoke of its dictatorships, and which has before it, around it, and everywhere, the example of nations governing themselves and prospering by liberty."

"Letters from Vienna," says the *Patrie*, "state that the parting of the Emperor from his brother the Archduke Maximilian was rather cool. The idea of a Mexican Empire with an Austrian Prince as sovereign met with decided resistance, up to the very last moment, in the official circles of the Austrian capital. The firmness of character of the archduke alone was able to triumph over that opposition, and now that the uselessness of all those efforts has been proved, the watchword in the regions of Vienna is: 'Mexico and its Emperor are strangers to Austria and her interests.'"

THE EMPEROR OF MEXICO.—A telegram from Trieste to-day informs us that his Majesty is now much better, and intends to leave Miramar on Thursday next.—(*Globe*.)

The future Empress of Mexico has just turned author, and issued privately "Souvenirs de Voyage à bord de la Fantasia," and "Un Hiver dans l'Isle de Madère."—(*Reader*.)

Mr. Seward to Mr. Dayton.

No. 532.]

DEPARTMENT OF STATE,

Washington, April 19, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch of April 1, No. 445, and I thank you for the interesting information it contains concerning the political situation of France.

If Mr. Mercier expresses the opinions concerning our affairs which you mention in this paper, he may mislead his own government. It may be well for you, in an informal way, to let M. Drouyn de l'Huys understand that Mr. Mercier expresses the views, which were adopted by a reactionary party in this country eighteen months ago, which party now seems to have lost the ability to sensibly divide the votes of the American people. But on this point you will exercise your discretion.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq.

Mr. Dayton to Mr. Seward.

No. 452.]

PARIS, *April* 18, 1864.

SIR: I herewith send you a printed translation of the "Convention concluded between France and Mexico, to regulate the conditions of the stay of the French troops in this last-named country for the purpose of establishing order and consolidating the new empire."

The convention explains itself.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

[Enclosure.]

The *Moniteur*, in its official part, contains the text of the convention concluded between France and Mexico, to regulate the conditions of the stay of the French troops in this last-named country for the purpose of establishing order and consolidating the new empire. The convention runs thus:

The government of the Emperor of the French and that of the Emperor of Mexico, animated with an equal desire to secure the re-establishment of order in Mexico, and to consolidate the new empire, have resolved to regulate by a convention the conditions of the stay of the French troops in that country, and have named their plenipotentiaries to that effect, viz:

The Emperor of the French, M. Charles Herbst, minister plenipotentiary of the first class, councillor of state, director of the ministry of foreign affairs, grand officer of the legion of honor, &c.;

And the Emperor of Mexico, M. Joaquin Velasquez de Leon, his minister of state without portfolio, grand officer of the distinguished order of our Lady of Guadalupe, &c.;

Who, after having communicated to each other their full powers, agreed on the following provisions:

ART. 1. The French troops at present in Mexico shall be reduced as soon as possible to a corps of 25,000 men, including the foreign legion. This corps, in order to safeguard the interests which led to the intervention, shall remain temporarily in Mexico, on the conditions laid down by the following articles:

ART. 2. The French troops shall evacuate Mexico, in proportion as the Emperor of Mexico shall be able to organize the troops necessary to replace them.

ART. 3. The foreign legion in the service of France, composed of 8,000 men, shall nevertheless remain in Mexico six years after all the other French troops shall have been recalled, in conformity with article 2. From that moment the said legion shall pass into the service and pay of the Mexican government, which reserves to itself the right of abridging the duration of the employment of the foreign legion in Mexico.

ART. 4. The points of the territory to be occupied by the French troops, as well as the military expeditions of the said troops, if there be any, shall be determined in common concord, directly between the Emperor of Mexico and the commandant-in-chief of the French corps.

ART. 5. On all the points where the garrison shall not be exclusively composed of Mexican troops, the military command shall devolve on the French commander. In case of expeditions combined of French and Mexican troops, the superior direction of those troops shall also belong to the French commander.

ART. 6. The French commander shall not interfere with any branch of the Mexican administration.

ART. 7. So long as the requirements of the French corps d'armée shall necessi-

tate a tri-monthly service of transports between France and Vera Cruz, the expense of the said service fixed at the sum of 400,000 francs per voyage, (going and returning,) shall be paid by Mexico.

ART. 8. The naval stations which France maintains in the West Indies and in the Pacific ocean shall often send vessels to show the French flag in the ports of Mexico.

ART. 9. The expenses of the French expedition to Mexico, to be paid by the Mexican government, are fixed at the sum of 270 millions for the whole duration of the expedition down to the 1st July, 1864. That sum shall bear interest at the rate of 3 per cent. per annum. From the 1st July all the expenses of the Mexican army shall be at the charge of Mexico.

ART. 10. The indemnity to be paid to France by the Mexican government for the pay and maintenance of the troops of the *corps d'armée* after the 1st of July, 1864, remains fixed at the sum of 1,000 francs a year for each man.

ART. 11. The Mexican government shall hand over to the French government the sum of sixty-six millions in bonds of the loan, at the rate of issue; viz: fifty-four millions to be deducted from the debt mentioned in article 9, and twelve millions as an instalment of the indemnities due to Frenchmen in virtue of article 14 of the present convention.

ART. 12. For the payment of the surplus of the war expenses, and for acquitting the charges in articles 7, 10, and 14, the Mexican government engages to pay annually to France the sum of twenty-five millions in specie. That sum shall be imputed, first, to the sums due in virtue of articles 7 and 10; and secondly, to the amount, interest and principal, of the sum fixed in article 9; thirdly, to the indemnities which shall remain due to French subjects in virtue of article 14 and following.

ART. 13. The Mexican government shall pay, on the last day of every month, into the hands of the paymaster general of the army, what shall be due for covering the expenses of the French troops remaining in Mexico, in conformity with article 10.

ART. 14. The Mexican government engages to indemnify French subjects for the wrongs they have newly suffered, and which were the original cause of the expedition.

ART. 15. A mixed commission, composed of three Frenchmen and three Mexicans, appointed by their respective governments, shall meet at Mexico within three months, to examine and determine these claims.

ART. 16. A commission of revision, composed of two Frenchmen and two Mexicans, appointed in the same manner, sitting at Paris, shall proceed to the definite liquidation of the claims already admitted by the commission designated in the preceding article, and shall decide on those which have been received for its decision.

ART. 17. The French government shall set at liberty all the Mexican prisoners of war as soon as the Emperor of Mexico shall have entered his states.

ART. 18. The present convention shall be ratified, and the ratifications exchanged as early as possible.

Done at the castle of Miramar, this 10th day of April, 1864.

HERBST. JOAQUIN VELASQUEZ DE LEON.

Mr. Seward to Mr. Dayton.

[Extract.]

No. 533.]

DEPARTMENT OF STATE,

Washington, April 21, 1864.

SIR: I thank you for your interesting despatch of the 4th of April, No. 446. The time which was limited for the execution of the convention for removing

the French government tobacco will expire on the 23d. I give you a copy of a correspondence* that has arisen with regard to an extension of the time.

This suspension is made for that reason, and for that only.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq.

[*See correspondence with the French legation.]

Mr. Dayton to Mr. Seward.

[Extract.]

No. 454.]

PARIS, April 22, 1864.

SIR: I visited M. Drouyn de l'Huys yesterday, at the department of foreign affairs. The first words he addressed to me on entering the room were, "Do you bring us peace, or bring us war?" I asked him to what he referred, and he said he referred more immediately to those resolutions recently passed by Congress in reference to the invasion of Mexico by the French, and the establishment of Maximilian upon the throne of that country. I said to him, in reply, that I did not think France had a right to infer that we were about to make war against her on account of anything contained in those resolutions. That they embodied nothing more than had been constantly held out to the French government from the beginning. That I had always represented to the government here that any action on their part, interfering with the form of government in Mexico, would be looked upon with dissatisfaction in our country, and they could not expect us to be in haste to acknowledge a monarchical government built upon the foundations of a republic which was our next neighbor. That I had reason to believe you had held the same language to the French minister in the United States. This allegation he did not seem to deny, but obviously viewed the resolutions in question as a serious step upon our part; and I am told that the leading secessionists here build largely upon these resolutions as a means of fomenting ill feeling between this country and some others, and ourselves. Mr. Mason and his secretary have gone to Brussels to confer with Mr. Dudley Mann, who is their commissioner at that place. Mr. Slidell, it is said, was to have gone to Austria, although he has not yet got off.

I am, sir, your obedient servant,

WM. L. DAYTON.

HON. WILLIAM H. SEWARD,
Secretary of State &c., &c., &c.

Mr. Dayton to Mr. Seward.

[Extracts.]

No. 455.]

PARIS, April 22, 1864.

SIR:

Your despatches, from No. 510 to No. 522, both inclusive, No. 513 being in duplicate, also despatch No. 506, are received.

Our consul at Bordeaux informs me that the Georgia is still lying there three miles below that port, and that, as she came in to repair her engine, by putting

force enough at work to tinker about the repairs and not make them, she may remain there as long as she may think proper. The rule is that they need not leave port until the repairs are completed. Our consul says that it is rumored and believed that arms and munitions of war are on the Georgia for the purpose of being supplied to the Yeddo, one of the clippers, when she goes out, and that a crew for the clipper is being kept at a boarding-house at Bordeaux. To these reputed facts I have, of course, called the attention of M. Drouyn de l'Huys.

Those clipper ships at Bordeaux and at Nantes have all closed up, or, rather, concealed their port-holes, so as to a casual observer they would have no appearance of ships-of-war.

* * * * *

The parties concerned continue to advertise in the Gironde at Bordeaux that one will leave for China on the 30th of next month, and the other on the 30th of the month after. The time for sailing, you will observe, has been extended one month for each vessel.

I do not at all doubt the good faith of M. Drouyn de l'Huys in reference to the sailing of these vessels.

* * * * *

There are a number of rebel officers about Paris who seem to be waiting here for employment on some rebel ship.

I am, sir, your obedient servant,

WM. L. DAYTON.

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 456.]

PARIS, April 22, 1864.

SIR: I have the honor to send you herewith a translation of a communication from Count Manderstrom, minister of foreign affairs for the United Kingdom of Sweden and Norway, to Mr. Haldeman, United States minister at that court.

This communication expressly denies the allegation made by Mr. Arman to M. Drouyn de l'Huys that a contract had been entered into between him and the government of Sweden for the sale of certain of the rebel vessels building at Bordeaux.

I have just enclosed a copy of this communication, together with a copy of Mr. Haldeman's letter to me accompanying it, to M. Drouyn de l'Huys.

I am, sir, your obedient servant,

WM. L. DAYTON.

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Manderstrom to Mr. Haldeman.

[Translation.]

STOCKHOLM, March 15, 1864.

SIR: By a letter dated yesterday, you did me the honor to inform me that Mr. Dayton, minister of the United States at Paris, having learned that certain "clippers," and two "iron-clad vessels" were in the course of construction at Bordeaux, by Mr. Arman, and being apprehensive that they were destined to

above alluded to, at the head of which may be considered the governor, that you will be pleased to communicate it to the honorable Secretary of State, through whom it may reach the President.

With great respect, I have the honor to be your most obedient servant,

CHARLES A. LEAS,

United States Consular Agent.

Hon. F. W. SEWARD,

Assistant Secretary of State, Washington.

Mr. Dayton to Mr. Seward.

[Extracts.]

No. 457.]

PARIS, *April 29, 1864.*

SIR: Your despatches, from No. 524 to No. 528, both inclusive, have been duly received. * * * * *

Your despatch, No. 516, on the "Talambo question," so called, between Peru and Spain, was immediately acted upon by me. M. Drouyn de l'Huys did not seem to recognize the case when his attention was called to it by that name, but said that he had already, in reference to the differences existing between the two powers, advised Spain, in conformity with your wishes, recommending a settlement in the spirit of peace, and he presumed all matters would be amicably arranged between those powers.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 538.]

DEPARTMENT OF STATE,

Washington, April 30, 1864.

SIR: Your despatch of April 11, No. 449, has been received.

I thank you for the information it brings concerning the acceptance of the tendered crown by the Archduke Maximilian, and his intended departure for Mexico.

Events which have recently occurred in the eastern section of that country, if they are correctly reported, show that the Mexican national authorities are not likely to be immediately suppressed. It is of course not impossible that new embarrassments for this government may grow out of the archduke's assumption of authority in Mexico. But we shall do all that prudence, justice, and honor require to avert them, at the same time we shall not forego the assertion of any of our national rights.

If such precautions fail to secure us against aggression, we shall then, I trust, be able to rise, without great effort, to the new duties which in that case will have devolved upon us. I remain now firm, as heretofore, in the opinion that the destinies of the American continent are not to be permanently controlled by any political arrangements that can be made in the capitals of Europe.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr Dayton to Mr. Seward.

[Extract.]

No. 460.]

PARIS, *May 2*, 1864.

SIR: In a conference with M. Drouyn de l'Huys on Saturday last he informed me that the officers or persons who had heretofore been pressing the French government to permit the departure of the Rappahannock from Calais had informed him that they would abandon all further effort to that effect, and leave her to rot where she lies. I am informed that she is now not seaworthy, and that her officers, with the exception of Captain Fontleroy, have left her. Under these circumstances I have written to Captain Winslow, of the United States sloop Kearsarge, in the channel, a letter of which I herewith enclose a copy.

I shall endeavor to see the captain of that ship personally, if possible, within a day or two. The four clipper ships at Bordeaux and Nantes are now all launched, and I am informed that both Arman and Voruz (the builder and iron founder) express their conviction that these vessels will be permitted to go out as vessels of commerce. Indeed, M. Drouyn de l'Huys informed me, in our last interview, that Arman had recently seen him, and, protesting that they were commercial vessels of the ordinary character used in the China seas, said they would assert their right to depart even against the government, and if opposition were made they would present this question in the courts of justice. M. Drouyn de l'Huys says that should this be done, the courts taking cognizance of the question and deciding against them, the government would be without remedy; its hands would be tied up by such a decision. I told him, in reply, that I did not believe Arman dare present the question in a court of justice; but, if he did, I thought we could, without difficulty, prove his handwriting to that paper, wherein he admitted that he was building these vessels for the Confederate States. Much other conversation passed on this subject, all leading to a conviction, in my mind, that M. Drouyn de l'Huys had not yet definitely made up his mind to the course of action which would be adopted in respect to these clipper ships. On the one hand, I am disposed to believe that they are willing, in good faith, to carry out their declaration that no such ships shall be equipped in their ports to depredate on our commerce. On the other hand, Mr. Arman is an important and influential friend of the government, and his ship yard is said to be the most extensive in France. They are, not unnaturally, unwilling to do anything which can seriously affect his business and the business of other ship-builders connected with him in these matters. * * *

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

*Mr. Dayton to Captain Winslow.*PARIS, *April 30*, 1864.

SIR: In an interview with M. Drouyn de l'Huys, French minister of foreign affairs, from which I have just returned, he informed me that the persons who had been engaged in applying to the French government to get out the Rappahannock have now informed him that all further attempts for that purpose have been abandoned, and that the vessel will be left to rot where she is. I have no fear, therefore, of the early discharge of this vessel.

The four copper ships which are being constructed by Mr. Arman, at Bordeaux and Nantes, for the confederates, are in the course of rapid completion, particularly the Yeddo and Osacca, which lie at Bordeaux. The Yeddo is advertised to sail for China on the 30th of May, and the Osacca on the 30th of June, under pretence that they are intended for the French China line. They are both confederate vessels, and should be captured if possible.

The Georgia, I am informed, has sailed for Antwerp.

I am, sir, your obedient servant,

WM. L. DAYTON.

Capt. JOHN A. WINSLOW,
U. S. S. Sloop Kearsarge, Dover.

Mr. Dayton to Mr. Seward.

[Extract.]

No. 461.]

PARIS, May 2, 1864.

SIR: Immediately upon the receipt of your despatch No. 525, I applied to M. Drouyn de l'Huys for a special interview, which was granted for Saturday last. I then said that I knew that the French government had felt some anxiety in respect to the resolution which had recently been passed by the House of Representatives in reference to Mexico, and inasmuch as I had just received a copy of that resolution, together with the views of the President of the United States, I begged, if agreeable, to read to him your despatch in reference to the latter. To this he assented, and, as the shortest and most satisfactory mode of following out my instructions, I read to him that entire portion of your despatch which applies to this subject, stating, at the same time, that I thought it was a remarkable illustration of the frankness and straight-forwardness of the President. When the reading was closed, M. Drouyn de l'Huys expressed his gratification, and after asking some questions in regard to the effect of laying a resolution upon the table in the Senate, the conversation terminated.

The extreme sensitiveness which was manifested by this government, when the resolution of the House of Representatives was first brought to its knowledge, has to a considerable extent subsided.

• • • • •

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 462.]

PARIS, May 2, 1864.

SIR: Your despatch No. 526, which gives the answer to the renewed request from the French government that it may be allowed to send French officers to our country for the purpose of observing the military arrangements and preparations on both sides of the civil war, was by me brought to the notice of Mr. Drouyn de l'Huys.

I assured him of our entire willingness to receive such officers in the armies of the United States, and to afford them every possible facility for the examination of our works, improvements, and everything connected with the progress of military art, as developed in our country; but that we could not, for reasons stated in your despatch, extend that concession so far as to permit commission-

ers to pass our lines to make observations among the insurgents. That we had, under analogous circumstances, been under the necessity of refusing a like privilege to the British government, upon its application. The grounds upon which you put your refusal seemed, in the eyes of Mr. Drouyn de l'Huys, to relieve it from anything like want of courtesy, and he said that they would at once abandon all idea of sending officers to visit the southern army; but they would send officers to visit the northern army, when, they doubted not, they would be courteously received, as had already been the case with a number of French officers. He informed me, however, that their purpose had not been to send the same men to make observations inside both lines, or to pass from the lines of one army to those of the other, but their purpose had been to send separate officers, one to the armies of the north, and the others to the armies of the south; that in the armies of the north they had expected to witness improvements in the matter of gunnery, and in other matters connected with the science of war, while in the south they expected little more than to witness some new method of facilitating the movement of troops, and the forming and moving of encampments, and such general matters.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 540.]

DEPARTMENT OF STATE,
Washington, May 4, 1864.

SIR: Your despatch of the 18th ultimo, No. 452, enclosing a printed translation of a convention between France and the Archduke Maximilian in regard to Mexico, has been received.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 542.]

DEPARTMENT OF STATE,
Washington, May 9, 1864.

SIR: Your despatch of April 22, No. 454, has been received. What you have said to M. Drouyn de l'Huys on the subject of the resolution of the House of Representatives concerning Mexico, as you have reported it, is entirely approved. The resolution yet remains unacted upon in the Senate.

Mr. Corwin was to leave Vera Cruz on the 3d instant under the leave of absence granted to him by this department on the 8th of August last.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 463.]

PARIS, May 13, 1864.

SIR: I have the honor to enclose herewith a translation of a communication just received from the three Japanese ambassadors now travelling in Europe.

It would seem that, through Mr. Pruyn, minister of the United States at Japan, the government of Japan has ordered the construction of a vessel-of-war in the United States. Its ambassadors are now desirous of knowing at what date the vessel will be completed, in order that, after having visited the United States, they may return in it to their country.

May I ask that you will, as soon as possible, furnish me with the necessary information.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Japanese Ambassadors to Mr. Dayton.

[Translation.]

To His Excellency M. the MINISTER of the United States of America :

We have to communicate to you the following :

Some time since our government asked of the government of the United States, through the American minister in Japan, to construct a vessel-of-war.

As Japanese envoys travelling in the different countries with which we have concluded treaties, and consequently having also the intention of visiting yours, we have the project of making our return voyage on board of the said vessel-of-war if the construction of it is finished. It is on this account that we beg you to be pleased to ask of your government at what period this vessel will be constructed, and to send us the answer at the place where we may then be.

With respect and consideration.

IKEDA TSIKOE-NO KAMI.
KAWADZO TDZOE-NO-KAMI.
KAWADA SAGAMI-NO-KAMI.

The 4th day of the 4th month of the 4th year of Bunn-Cue.

Mr. Dayton to Mr. Seward.

[Extract.]

No. 464.]

PARIS, May 13, 1864.

SIR: Your despatches from No. 529 to No. 533, both inclusive, and likewise despatch numbered by mistake 634, have been duly received.

I regret that I shall not be able to see M. Drouyn de l'Huys until too late for the mail of to-day. An answer to some matters of business contained in your late despatches will, therefore, have to be delayed until next week. * * *

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 465.]

PARIS, May 16, 1864.

SIR: In a recent conference with M. Drouyn de l'Huys he complained seriously of your late action in refusing to the French navy a supply of coal bought by it in New York. He says France never has declared, and never will

declare coal contraband of war; that if the United States should do so, it would be a retrograde move, inasmuch as its traditional policy had always been in favor of neutrals and in limitation rather than in extension of the list of contraband. He hopes that we will not retrace our steps, but, in this matter, adhere to our past policy; that France has always gone with us, or we with her, on these questions of maritime law, and he does not think it for the interest of either country to part company; at least, that was the inference from his language.

He informed me, further, that your opinion was understood to be favorable to letting the coal go to the French vessels, but difficulty was made by the Secretary of the Treasury. I told him, if this were so, there might be some question connected with the revenue which had interfered, but he thought otherwise, and said that it was made to rest purely upon the question, is coal contraband of war? This is a question of deep interest to the French government—deeper, perhaps, than to us, she having a large navy and *little coal*, while Great Britain and the United States have an abundance of the latter article.

He said, further, that if the United States should declare coal contraband of war, it would place France in a false position in reference to our country. That she, France, holding coal not to be contraband, would be compelled to supply it to our enemies in time of war, and to the confederates, while denying it to us because we denied it to them. That they would dislike much to be placed in a position indicating such apparent want of neutrality, yet, that it would be inevitable if coal was declared by us contraband of war.

There is a good deal of sensitiveness manifested here on this point. M. Rouher, minister of state, referred to it, I observe, in his late speech in the Chamber of Deputies.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 466.]

PARIS, May 16, 1864.

SIR: I have explained to M. Drouyn de l'Huys the reason why it would not be agreeable, at the present time, to permit French officers to visit and make observations within the lines of the army of the Potomac, and have stated to him, confidentially, the reason why you had suspended the leave granted to take the tobacco from Richmond. He seemed satisfied with the explanations in both cases, especially as I told him the leave was not absolutely withdrawn, but only suspended. He said, in reference to the tobacco, that the fault had been partly their own, inasmuch as they had been guilty of unnecessary delay in acting upon the privilege we had extended to them. He said that they should have sent their vessels sooner.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 467.]

PARIS, May 16, 1864.

SIR: At a special interview accorded to me on Saturday last, M. Drouyn de l'Huys informed me, not only that those two iron-clads, now being constructed

by Arman, at Bordeaux, under contract with the confederates, had been positively sold to a neutral power, but he assured me distinctly that the four clipper ships in the course of construction at Bordeaux and Nantes, under a like contract, should not be delivered to the confederates. As two of these vessels are approaching completion, I confess I was much gratified by receiving this distinct assurance. His language was most explicit, and I thanked him accordingly.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 468.]

PARIS, May 16, 1864.

SIR: The Rappahannock is yet in wait at Calais, and the Georgia, as you will have seen, has gone into the port of Liverpool.

On Saturday last I left with the ministry of foreign affairs some additional evidence as to the character of the Rappahannock, recently supplied to me by Mr. Morse, our consul at London, to wit: His own certificate that he had compared the copies with the originals, &c. A copy of the affidavit of James Graham, dated 4th April last. A copy of the appointments, by Captain Campbell, of Wm. Alexander Bradshaw and Joseph Buchanan, as third assistant engineers in the confederate navy, from the 7th of February, 1864. A copy of letter of attorney from Joseph Buchanan to Messrs. Jones & Co., to receive part of his pay, &c., dated 2d February, 1864. The copy of a long affidavit, by James Graham, dated 4th April, 1864. This evidence has been doubtless forwarded to you from London.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Seward to Mr. Dayton.

[Extract.]

No. 551.]

DEPARTMENT OF STATE,

Washington, May 17, 1864.

SIR: Your despatch of April 29, No. 457, has been received.

Your proceedings concerning the difficulties which have arisen between Spain and Peru are approved, and you will find occasion to make known to M. Drouyn de l'Huys the satisfaction which the President has derived from the assurance of the minister for foreign affairs that the French government has advised the government of Spain, commending a settlement in the spirit of peace, and that M. Drouyn de l'Huys presumes that the matters in controversy will be amicably arranged between Spain and Peru. * * * *

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 553.]

DEPARTMENT OF STATE,
Washington, May 18, 1864.

SIR: Publications which have recently been made at Paris have excited apprehensions that the rams which are building at Nantes under the direction of Mr. Arman, a member of Chamber of Deputies, are likely to receive armaments and go to sea to make war against the United States. Having heretofore submitted what was believed conclusive evidence, that the vessels were being built under a contract with rebel agents for this unlawful and piratical purpose, and for no other, and having received from time to time assurances from the imperial government that they would not be allowed to be used in executing this purpose, it is not without surprise as well as deep concern that we learn that the vessels have been launched, and that, without any known change of ownership or destination, they are being prepared for sea by French subjects in a port of the empire. It is confidently believed that either the statements to which I have referred are exaggerated, or else that the completion and preparation of the vessels for war against the United States are carried on fraudulently so as to escape the vigilance of the imperial government. Nevertheless the occasion is one of such serious import that I find myself obliged to ask you to suggest to M. Drouyn de l'Huys that the subject is deemed one which calls for serious attention and satisfactory explanation.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 554.]

DEPARTMENT OF STATE,
Washington, May 20, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch of the 2d of May, No. 460. You will please express to Mr. Drouyn de l'Huys a high satisfaction on the part of this government with the information he has given you, that the Rappahannock will not be allowed to enter the piratical service of the enemies of the United States.

I have carefully read the portions of your despatch which relate to the four war vessels which are being built at Nantes and Bordeaux, by Arman and Voruz, for the insurgent service. You have been already apprised that this government is disturbed by the rumors it hears from Arman and from his confederates of this country, that these vessels are at last to be allowed by the French government to go to sea. Indeed you were instructed in my No. 553 to ask full explanations, and to assure M. Drouyn de l'Huys that the subject is deemed by the President worthy serious attention on the part of the Emperor's government. The conversation of M. Drouyn de l'Huys, which you have since reported to me was held before you could have received the instruction last mentioned. That conversation has not produced any abatement of the apprehensions before entertained; but it has on the other hand increased them.

I have, therefore, to renew the instructions. You will say to M. Drouyn de l'Huys, if you find it necessary, that this government could not look with indifference upon the building and despatching of hostile vessels from the ports of France.

* * * * *

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 469.]

PARIS, May 20, 1864.

SIR: I cut the annexed small slip from Galignani. It gives you, I presume, the result of the conference held in Paris, some months since, as to a southern line of route between the European and American continents. I wrote you of this conference at the time it assembled, stating the fact that neither England nor the United States were invited to take part in it.

I am, sir, your obedient servant,

WM. L. DAYTON.

[Slip referred to.]

After conferences opened at the ministry of foreign affairs for the establishment of an international telegraphic line, projected by M. Balestrini, between the European continent and America, a convention on the subject was yesterday signed by M. Drouyn de l'Huys, the Brazilian, Italian, and Portuguese ministers, and the chargé d'affaires of the republic of Hayti.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 555.]

DEPARTMENT OF STATE,
Washington, May 21, 1864.

SIR: Your despatch of May 2, No. 462, has been received. Mr. Geoffroy has communicated to me the wishes of the French government in regard to the visit of officers of the French army for the purpose of observation. I have already informed you that at the beginning of this campaign the Secretary of War, upon the suggestion of the lieutenant general commanding the forces, declined to allow any visitors to enter the camps of the army actually engaged. The restriction, I believe, still remains. But the occasion for it will probably pass away soon, and it is probable that it will then be removed.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 561.]

DEPARTMENT OF STATE,
Washington, May 21, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch of May 2, No. 461, and to approve of your proceedings therein mentioned. We learn that Mr. Corwin, our minister plenipotentiary to Mexico, is at Havana, on his return to the United States, under leave of absence.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 557.]

DEPARTMENT OF STATE,
Washington, May 23, 1864.

SIR: I enclose a copy of a despatch of the 27th ultimo, and of its accompaniments, addressed to this department by Mr. Chase, consul general of the United

States at Tampico, from which it appears that that officer has been treated very rudely by the French military commandant there, and even threatened with imprisonment. You will make a proper representation upon the subject to the minister for foreign affairs of France, and will state to him that due reparation will be expected by this government. As the correspondence speaks for itself, no inquiry as to the facts of the case would seem to be necessary.

I am, sir, your obedient servant,

WILLIAM H. SEWARD,

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Chase to Mr. F. W. Seward.

No. 18.]

CONSULATE GENERAL OF THE UNITED STATES,
Tampico, April 27, 1864.

SIR: I have the honor to enclose herewith copy of a note (No. 1) addressed to me by the French superior commandant of this place on the 25th instant; also a copy of my reply thereto, (No. 3,) which was written and sent to that officer thirty minutes after the receipt of his first note, (marked No. 1,) although it was received at twilight.

My clerk went to and returned from the office of the commandant three times, without finding him, for the purpose of putting him in possession of the above-mentioned reply.

At the hour of 9.30 p. m. I received the second note, (No. 2,) menacing me with imprisonment, and, without knowing its contents, I sent him the reply, (No. 3,) after which I was not molested.

The opportune arrival of the United States steamer Kanawha, Captain Taylor, off this bar on the following morning had the effect to soften the temper of this imperious superior commandant; still, I consider it my duty to submit this case to your decision, indulging the hope that redress for this outrage will be speedily demanded by my government.

I am, with great respect, sir, your most obedient servant,

FRANKLIN CHASE.

F. W. SEWARD, Esq.,

Assistant Secretary of State, Washington, D. C.

No. 1.

Commandant Givertoss to Mr. Chase.

[Translation.]

TAMPICO, *April 25, 1864.*

The commander-in-chief of Tampico begs the consul of the United States to be pleased to give him the names and christian names of the individuals who have this day entered this city, and who have not reported themselves at our office. He will be pleased to guarantee, under his responsibility, the good conduct of these persons. In case he should not do so, the superior commandant will have them arrested as vagabonds. We require an immediate reply.

The superior commandant,

V. DE GIVERTOSS.

The CONSUL of the United States.

No. 2.

Commandant Givertoss to Mr. Chase.

[Translation.]

TAMPICO, *April 25, 1864.*

It seemed to me that I had asked of the consul of the United States what were the names of the Americans who had this day entered our city. Let him be pleased to answer immediately for the good conduct of those individuals, otherwise I shall find myself under the painful necessity of making him personally responsible therefor, and to make him my prisoner. Reply immediately.

The superior commandant,

V. DE GIVERTOSS.

The UNITED STATES CONSUL.

No. 3.

Mr. Chase to Commandant Givertoss.

CONSULATE GENERAL OF THE UNITED STATES,

Tampico, April 25, 1864.

SIR: In reply to your note of the present date, I have the honor to state to you that the only persons I am aware of who have arrived in this city are those that came in on yesterday, viz: Charles E. Johnson, William Garret, and Lewis Davison, seamen, and five passengers—the names of the latter I have not as yet ascertained—all of whom are from the American schooner E. D. McClenahan, G. R. Edgett, master, which vessel was lately wrecked near Soto la Marina on her passage from New Orleans for this port.

These persons are doubtless peaceable; but if I should hear of anything to the contrary, they will not receive any countenance or protection from this consulate.

I have the honor to be, sir, most respectfully, your obedient servant,

FRANKLIN CHASE.

The SUPERIOR COMMANDANT of *this place, &c., &c., &c.**Mr. Dayton to Mr. Seward.*

No. 470.]

PARIS, *May 25, 1864.*

SIR: Your despatches from No. 540 to 545, both inclusive, are received. Neither of these, however, seem to contemplate a reply.

Our consul at Nantes has for some time past been much excited by the knowledge that a shipment of cannon (62 in number) has been made by Mr. Voruz, of that place, on an English ship, (the Medusa,) which he believed were intended for the confederates, or at least for the armament of some of those vessels now being built for the confederates in French ports. These reports may have been communicated to your department, or to that of the navy. I take occasion, therefore, to inform you that I am satisfied this shipment of cannon has another destination than that of the insurgent States. I am confidentially informed that they are for a government of this continent, and need not occasion us any anxiety.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 476.]

PARIS, *May 31, 1864.*

SIR: Mr. Drouyn de l'Huys has sent me a written answer to the late application which I again addressed to him in the case of Mr. Mansfield, our consular agent at Tabasco, of which answer I herewith send you a translation.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

[Translation.]
Memorandum.

PARIS, *May 27, 1864.*

M. the minister of the United States has again called the attention of the minister of foreign affairs to the alleged arrest of Mr. Mansfield, consular agent of the United States at Tabasco.

Up to the present moment M. Drouyn de l'Huys is unable to add anything to the communication which he has already addressed to Mr. Dayton on this subject. He took care, as he announced to him, to write to Vera Cruz to obtain some explanation of this affair, on the subject of which nothing had reached either his department or those of the war and the navy; but the time which has passed since the departure of this request for information in Mexico is not sufficient to have been able to receive an answer.

On the other hand, it appears from a communication from Mr. Seward to the chargé d'affaires of his Imperial Majesty that the cabinet of Washington had itself no positive information upon the fact which had been reported to it; that it was from this motive more particularly that it had directed M. the minister of the United States at Paris to make inquiries as to what the French government might have received. It is the same desire to be better informed upon the incident in question which had decided it to send a federal vessel to seek upon the spot some surer information.

Mr. Seward to Mr. Dayton.

No. 564.]

DEPARTMENT OF STATE,

Washington, May 31, 1864.

SIR: I have received your despatch of the 16th of May, No. 466, and I am gratified to learn that the explanations you have made concerning the temporary inconveniencies resulting from the postponement of the intended visit of French officers and from the present suspension of the privilege conceded for the removal of French tobacco have been made in so satisfactory a manner.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 565.]

DEPARTMENT OF STATE,

Washington, May 31, 1864.

SIR: There is reason to believe that the builders of the rams in France for the insurgents will endeavor to show that, in point of fact, they have been or

dered by the Chilian government. If such an attempt should be made, you are recommended to inquire of Mr. Carvallo, the minister of Chili at Brussels, as to the truth of such an assertion. It is not doubted that he can and will contradict it.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 567.]

DEPARTMENT OF STATE,

Washington, May 31, 1864.

SIR: With reference to the case of Mr. Mansfield, United States consul at Tabasco, respecting whose imprisonment there you have already been instructed, a copy of a despatch from him of the 10th of February last is herewith transmitted. This despatch you may make the basis of a further communication to M. Drouyn de l'Huys on the subject.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 568.]

DEPARTMENT OF STATE,

Washington, June 1, 1864.

SIR: I have to acknowledge the receipt of your despatch of the 16th ultimo, No. 467, in which you inform me that at a special interview, accorded to you on the 14th of that month, M. Drouyn de l'Huys, his Imperial Majesty's secretary of state for foreign affairs, had stated to you not only that those two iron-clad vessels now being constructed by Arman, at Bordeaux, under contract with the insurgents, had been positively sold to a neutral power, but that his excellency assured you distinctly that the four clipper ships in the course of construction at Bordeaux and Nantes, under the like contract, should not be delivered to the so-called confederates.

This government accepts these assurances, which relieve them of many and painful apprehensions and inspire lively satisfaction.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 569.]

DEPARTMENT OF STATE,

Washington, June 1, 1864.

SIR: I have to acknowledge the receipt of your despatch of the 13th of May, No. 463, enclosing a translation of a communication from the Japanese ambassadors, making inquiry as to the completion of a vessel now being constructed in this country for the use of the Japanese government. The matter will receive due attention.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 570.]

DEPARTMENT OF STATE,
Washington, June 1, 1864.

SIR: I have received your despatch of May 16, No. 465, in which you communicated to me the remarks of M. Drouyn de l'Huys on the subject of the prohibition of the exportation of anthracite coals for the use of the French navy in the Gulf. At the time when M. Drouyn de l'Huys made these complaints he was probably unaware that the proceedings upon which the complaints were founded had been modified to the mutual satisfaction of the French chargé d'affaires here and this government. The occasion for the remarks having thus passed, the question which arose out of it has now become purely speculative. From this view it does not seem important to discuss them now. I shall remain content with saying that the remarks of M. Drouyn de l'Huys seem to me to have been made under a misapprehension of the facts in the case, and of the principles and policy of this government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 571.]

DEPARTMENT OF STATE,
Washington, June 1, 1864.

SIR: I have received your despatch of the 16th ultimo, No. 468, and your proceeding relative to the Rappahannock is approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 479.]

PARIS, June 2, 1864.

SIR: Mr. John de la Montagnie, consul at Nantes, informs me that the government has censured him for not reporting to it the confederate ships being built at that place. I deem it but just to Mr. de la Montagnie to say he has been exceedingly diligent and constant in his reports to this legation. I requested him, at an early day, to keep me well advised of everything of interest with these vessels, that I might be in condition at any moment to appeal to the French government. This he has faithfully done. It is true I did not anticipate that he would altogether cease his reports to the government at home; but I suppose he thought I would myself report, as I have done, all in reference to these ships and their progress which I thought the government would care to know, and he has doubtless supposed additional reports from him were unnecessary.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 481.]

PARIS, June 3, 1864.

SIR: Your despatches, from No. 547 to No. 552, both inclusive, are duly received.

Your summary of our military condition, as set out in despatch No. 550, is especially interesting, conflicting, as it does, with the general accounts given in the newspapers. The newspapers all inform us that Lee is yet intrenched at Spottsylvania and north of the Po, while your despatch states explicitly that he has been driven to the south of the Po, and a portion of his defences there wrested from him. This difference is the difference between a temporary check at least and a successful advance. I await further news with the most intense anxiety.

Your despatch, No. 551, in reference to Spain and Peru, I answer specially by this mail.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Dayton to Mr. Seward.

[Extract.]

No. 480.]

PARIS, June 3, 1864.

SIR: I yesterday communicated to Mr. Drouyn de l'Huys the contents of your despatch, No. 551, in reference to the difficulties which have arisen between Peru and Spain. He assured me that the government of the Emperor would cheerfully advise the peaceful settlement of these questions, and that it had already done so to the Spanish ambassador at this court. In reference to your suggestion, that, in the present condition of things, it was desirable that a new effort should be made by the French government to avert the occurrence of war between Spain and Peru, and restore amicable relations between them, he said that he would, by their very next courier to Madrid, send an earnest despatch to that government, counselling and sincerely advising it to settle their difficulty with Peru in a spirit of peace, and without resort to war. He said that France did not assume to judge who was right and who was wrong in the controversies that had arisen, and could go no further, therefore, than earnestly and in good faith urge its counsel. He had, it would seem, already had communication with the Spanish government, and was informed by it that they did not seek in Peru the acquisition of any territory, &c.; that they required only a settlement which would satisfy their honor, &c. These generalities, of course, amount to nothing.

At the request of the Peruvian minister at this court I telegraphed on Wednesday to Mr. Koerner, at Madrid, to know if the existing government there approved of the action of its officials in the Pacific, in seizing the Chincha islands, &c.; and last night I received from him by telegraph the following answer: "Government will not approve, unless official information, not received yet, vary facts reported.—KOERNER, United States Minister."

The French government, in all these questions, consults first and last its own political policy, and one of its lines of policy is, as supposed, to keep its relations good with Spain; so that, in the event of trouble on the continent, its enemies may be in front, and everything peaceful and quiet behind it. Its present influence with Spain is believed to be great; and inasmuch as that government is now vacillating or hesitating as to its course of action in respect to Peru, the minister of Peru at this court thinks it possible that the interference or counsel of France, if frankly given in favor of a peaceful solution of the question, may determine the result.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Dayton to Mr. Seward.

[Extract.]

No. 483.]

PARIS, *June 8, 1864.*

SIR: Your despatches, from No. 554 to No. 559, both inclusive, and despatch No. 561, were received last night. I this morning went to the Foreign Office, and had a long interview with M. Drouyn de l'Huys, principally in reference to the vessels at Bordeaux and Nantes. After carefully examining your despatch, No. 553, I made up my mind that it was best, under all the circumstances, to read it to him entire, and I did so. The rams in question are being constructed at Bordeaux, and not at Nantes, as you state in that despatch; but that does not affect the question. There are two clipper ships, or privateers, being constructed at Nantes, and two at Bordeaux, under Mr. Arman's direction, for the confederates. I then communicated to M. Drouyn de l'Huys so much of the substance of your despatches, No. 554 and the confidential despatch No. 556, as applied to these vessels now being built at Bordeaux and Nantes. The rams, you will recollect, M. Rouber, minister of state, said, in a speech in the Chamber of Deputies, should not be delivered to the confederates. I had already informed M. Drouyn de l'Huys of the very serious character of these questions, and the probable consequences which would result from the completion and delivery of these vessels to the confederates. I have, on all occasions, used strong language when applied to these questions. I told him to-day that, in expressing the views of the President on this subject, I could scarcely speak with the necessary earnestness and directness, without trenching on that respectful forbearance of language to which I desired at all times to limit myself in our official intercourse. I told him that, should these vessels pass into the hands of the confederates, become armed and commence a system of depredation on our commerce, the exasperation would be such that the government, if so disposed, (which I did not intimate that it would be,) could scarcely keep the peace between the two countries.

* * * * *

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 484.]

PARIS, *June 8, 1864.*

SIR: In a recent despatch, No. 467, I informed you that Mr. Drouyn de l'Huys had assured me that the iron-clad rams at Bordeaux had been disposed of to a neutral power, and that I might rest assured that the other four vessels building there should not go into the possession of the confederates. As these assurances were very explicit, they relieved me, for the time being, from much anxiety; but our consul at Bordeaux recently informed me that one of these vessels was about to leave port, on the 6th or 7th of this month, and I then recollected that the above assurances were all verbal, and liable to be misunderstood or controverted. I thought that, in announcing the fact of the early departure of this vessel to M. Drouyn de l'Huys in writing, I would refer to what he had in conversation said to me on this subject. I did so, and herewith send you a copy of my communication, marked A. In reply, I received a communication from him, a translation of which I send you herewith, marked B. This reply not being satisfactory, but, as it seemed to me, in opposition to,

or at least in restriction of the verbal assurances he had given me, I addressed him another communication, a copy of which, marked C, I send you. To this I have, of course, received as yet no written reply. In the mean time I was telegraphed that Mr. Morse, our consul at London, said that orders were about being issued to discharge the Rappahannock, and my anxiety on the whole subject was such that I went this morning immediately to the Foreign Office to see if the facts were as stated, and, if so, whether some change could not be made in the condition of things. M. Drouyn de l'Huys opened the conversation at once by telling me that the two vessels, Yeddo and Osacca, were sold in Holland, not to the government, but to a neutral, and *they were to be delivered at Amsterdam*, unarmed. I made to him the same or like suggestions as contained in my communication, letter C. He said he had fully examined the contract of sale, and that the same was entirely regular, and this government could not, under the circumstances, prevent their delivery. It had no right to do so; if they did, they would be responsible in damages to the parties injured. In response to my remark, that it was probably a sham sale, a mere cover to get the vessels into the hands of the confederates, he said no, he was entirely satisfied the sale was in good faith. He added, that he could not swear to it, of course, but his "conviction" was that it was so. He was satisfied, he said, that the transaction was a fair one, and that the vessels would not go to the confederates, and we would never receive detriment from them. Still he said, he did not ask us to relax at all in our vigilance. I asked him of what possible use vigilance could be, when we had not even the slightest idea who it was alleged had bought these vessels. He then said simply, they were sold to a house in Holland, and to be delivered at Amsterdam. Mr. Forbes, who had conversation with him on the same subject, informs me he said to him, "a respectable house" in Holland, &c. As I was about leaving, he said he *had known* the name of the house, (implying, of course, that it was now forgotten,) and that he would endeavor to get it again, and let me know it; but I do not expect to receive it.

I endeavored to impress upon the mind of M. Drouyn de l'Huys the serious consequences which would follow the escape of these vessels, and their passage into the hands of the confederates as privateers. He said he had no wish for that, and did not at all believe it would occur. He added, that if they wished to help the south, they certainly would not attempt it in this petty, indirect way, but they *would acknowledge* them at once. He said that would do them a substantial service; it would give them a position and standing among nations; but this petty mode of proceeding, with a view to help the south, would be unworthy of a great nation like France, and amount to nothing. That to permit them to buy some ships of Mr. Arman, paying a *full* price, would have no serious effect on the war in the United States, while it would exasperate the north, and bring no thanks, no gratitude, from the south. No, said he, if we purpose aiding the south, we would say that we could not look upon this war, which has now lasted between three and four years, as an ordinary rebellion, and that the south was entitled to recognition; and we would recognize them and abide the consequences. But he said they had no wish or purpose to aid the south, but would maintain their neutrality; and in permitting these vessels to be delivered to a neutral in Holland, they did only what they were bound by law to do.

After conversing with Mr. Forbes and another intelligent business man, (Mr. Beckwith, a brother-in-law of M. Forbes,) both having some knowledge of Holland and its business relations, I told Mr. Drouyn de l'Huys that if these vessels were permitted to go out of the French ports, (against which I protested, of course,) I would prefer they should be taken to Amsterdam under command of French officers, or with a French escort, and not trusted to the promise of the parties to take the vessels there. If the latter were done, I feared the

vessels would go immediately to sea, and we might lose an opportunity of further interfering with them; to which Mr. Forbes and Mr. Beckwith attached some importance. He said he would consult the minister of marine on the subject.

I thought M. Drouyn de l'Huys was rather disposed to find fault with late proceedings of our government. He referred again to your refusal of coal to their fleet, and to your giving up, as he said, to be hanged, the secretary of Vidaurri, who had fled to Brownsville for protection, although now there was scarcely a war against France in Mexico—nothing against them but some roving marauding bands. He said, too, after their military officers were on the ocean to visit our country, with a view to examine what was to be seen there, and with our assent and assurance of welcome, they were then informed that *this line* or *that* could not be examined. M. Drouyn de l'Huys said it would have been more agreeable if notice had been sooner given, &c., &c. I could not but feel that this querulousness was in part the result of a consciousness that we, and not they, really had just cause of complaint. He was disposed to anticipate me in these matters—to complain rather than be complained of.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

A.

Mr. Dayton to M. Drouyn de l'Huys.

PARIS, June 4, 1864.

MONSIEUR LE MINISTRE: After recent assurances from your excellency that the iron-clads at Bordeaux had certainly been sold to a neutral government, and that the clipper-ships at that port and at Nantes should not be delivered to the confederates, I have given them little or no further attention; but our consul at Bordeaux, having reported to me on yesterday that the Yeddo will steam out to sea on Monday or Tuesday next, (6th or 7th instant,) although the work on her is not finished, I have thought it advisable to apprise your excellency of the fact. I had not supposed it possible, from what I had understood from other sources, that this vessel could get to sea at so early a day.

I avail myself of this occasion to renew to your excellency the assurances of the high consideration with which I have the honor to be, your very obedient servant,

WM. L. DAYTON.

His Excellency M. DROUYN DE L'HUYS,
Minister of Foreign Affairs, Paris.

B.

M. Drouyn de l'Huys to Mr. Dayton.

[Translation.]

MONSIEUR LE MINISTRE: I have received the letter which you did me the honor to write me on the subject of the approaching departure from Bordeaux of the steam corvette Yeddo. The builder of this ship has proved before me the regular sale in Holland of this vessel, and of another corvette, Osacca, coming from his ship yards, and which, both the one and the other, are to be handed over to their purchasers at Amsterdam. After examination of the contracts pro-

duced, the government of the Emperor has no right to prevent the going out of the vessels in question, and their delivery to neutrals, in an unarmed condition, at the place where they are to be handed over to them.

Accept the assurances of the high consideration with which I have the honor to be, Monsieur le Ministre, your very humble and very obedient servant,

DROUYN DE L'HUYS.

MR. DAYTON,

Minister of the United States, at Paris.

C.

M. Dayton to Mr. Drouyn de l'Huys.

MONSIEUR LE MINISTRE: I have the honor to acknowledge the receipt last evening of the letter from your excellency, dated 6th instant, informing me that the constructor of the Yeddo and Osacca, the two clipper ships built at Bordeaux, had proved before your excellency the regular sale of those vessels in Holland, to be delivered at Amsterdam.

I much regret to seem to be at all importunate upon the subject of these vessels, but their importance to the interests of the United States, and its good relations with France, is such that I prefer subjecting myself to this charge rather than incur the imputation of inattention or indifference. I cannot, moreover, divest myself of a feeling of distrust in regard to the bona fides of a sale by the constructor of these vessels. I remember that they were built under a contract for the confederates, and that they *have been paid for* to a great extent, if not entirely, by the confederates; written evidence of both which facts is in possession of your excellency. Their build and construction, I am credibly informed by persons acquainted with vessels and the trade in the China seas, for which it is alleged they were built, are not such as are usual for commercial vessels in those seas, or, indeed, anywhere else. I remember, too, that they have had port-holes, now closed, but easily knocked open when at sea, and ready to receive an armament. I remember, too, that the constructor has already been detected in the most gross misstatements in regard to the sale first to Denmark, then to Sweden, of some of the vessels built under these contracts for the confederates. The statement now is, if I understand your letter aright, that these vessels are not sold to a government, but to individuals; the untruthfulness and bad faith of which sale, if it exist, it is difficult, if not impossible, to trace. Holland has East India possessions, and these may afford a plausible pretext to get these vessels into the Pacific, where, it is said, the confederates want them.

This, you will recollect, is the same course of proceeding adopted by the confederates in respect to the two rams built for them in England. After all the pretences of ownership in foreign governments had failed them, they then said the rams had been sold to Mr. Bravay. I know how difficult it is to prove a negative, or to disprove the bona fides of a sale, when, as in this case, the papers may be regular; but I should like, if agreeable to your excellency, to have the opportunity. If, therefore, I may without impropriety ask it, and no objection occur to the mind of your excellency, I will esteem it a favor if you will communicate to me the names and residence of the alleged purchasers of these vessels.

I seize this occasion to renew to your excellency the assurances of highest consideration with which I have the honor to be your very obedient servant,

WM. L. DAYTON.

His Excellency MR. DROUYN DE L'HUYS,

Minister of Foreign Affairs, Paris.

Mr. Seward to Mr. Dayton.

No. 573.]

DEPARTMENT OF STATE,
Washington, June 8, 1864.

SIR: Referring to my instructions of the 23d ultimo, No. 557, and to its accompaniments relative to the rude treatment of Mr. Chase, the United States consul at Tampico, by the French military commandant there, I now transmit a copy of a further despatch from Mr. Chase of the 10th ultimo, No. 21, which gives a more detailed account of the matter. I need only say that the aggression on the consul, for which you can ask reparation, is the menace contained in the second note of the French commandant to Mr. Chase.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Chase to Mr. F. W. Seward.

No. 21.]

CONSULATE GENERAL OF THE UNITED STATES,
Tampico, May 10, 1864.

SIR: On the 27th ultimo I had the honor to address a letter to you on the subject of two notes sent to me by the French superior commandant of this place, with which I enclosed copies of the said notes and copy of my reply to the first. A press of business on this consulate, and the prompt despatch of the British steamer's mail, prevented me from sending a full report and the requisite translations, an omission which I now beg leave to supply, with the following explanations and enclosures.

From the outset of the French intervention with this country I have carefully pursued a strictly neutral course, and every American citizen residing in this place has followed my advice and example; and up to the present moment not one of them has been accused of meddling in the political or military affairs of the country. In the mean time I have firmly defended their just rights, but invariably manifesting a conciliatory disposition.

You will please perceive that in the first note of the French commandant he demands the names of certain individuals, who, he alleges, entered this city on that day, (April 25,) and endeavored to hold me responsible for their moral conduct. That note was written in the French language, and not delivered to me until twilight on the day of its date; and, notwithstanding the unseasonable hour, I obtained a verbal translation and sent my reply to it in thirty minutes after its receipt; but, my clerk not finding him in his office, went and returned with it three consecutive times without finding him. At 9.30 p. m. I received the second note, and, not knowing its contents, I again sent my reply to the first.

The second note was so written as to leave me in doubt whether the threat of imprisonment extended to me or not, and under that doubt I called at an early hour on the commandant and pointed out the impropriety of his attempt to hold me responsible for the conduct of any persons entering this place. He excused himself on the plea of alarming reports there were in circulation.

In this state of affairs Captain Taylor, of the United States steamer *Kanawha*, happily arrived here, and, fearing that the appearance of that vessel might excite some real alarm, I lost no time in presenting that officer to the commandant, who courteously reported the presence of his vessel.

On my return to my office I had a careful perusal of the second note, and ascertained that the threat of imprisonment was actually made against me, and I felt much regret that I had paid these visits.

The individuals who entered this city were those mentioned in my reply to the commandant, all of whom were duly reported to the captain of the port. Among the passengers there was only one American citizen.

I did not think it proper to reply to the second note from the commandant, but I expressed my astonishment at its contents to the acting French consul at this port, remarking at the same time that no difficulty was pending between our respective governments, and that it behooved the authorities here not to provoke any.

Shortly after that conversation the consul was sent to me with a message from the commandant offering to retire his notes. In reply, I stated that if the commandant felt any regret for his conduct towards me, and was willing to offer an apology in writing, I would take much satisfaction in forwarding it to my government, as the affair was now too serious to be decided by this consulate.

This offer was declined, and I now respectfully beg leave to submit this plain statement of the case to you, believing that you will consider it of sufficient importance to take measures for obtaining redress for this unprovoked wrong and security for my future protection.

I have the honor to be, sir, with great esteem and respect, your most obedient servant,

FRANKLIN CHASE.

FREDERICK W. SEWARD, Esq.,

Assistant Secretary of State, Washington.

[The two notes and reply referred to in the above despatch, and which formed its accompaniments, are the same as those enclosed in Mr. Chase's despatch of the 27th of April last, No. 18, published in despatch of the 23d of May, No. 557, to Mr. Dayton.]

Mr. Dayton to Mr. Seward.

No. 485.]

PARIS, June 10, 1864.

SIR: Looking over my despatch of the 8th instant, No. 484, I find that I have neglected to say that in the conference, there reported, M. Drouyn de l'Huys informed me that no change had been made in the condition of things connected with the Rappahannock, and that no orders had issued, or were about being issued, for its discharge. He said that he had as yet received no answer from the committee of jurisconsults, who had been consulted by him; although, as the Senate had now adjourned, and Mr. Troplong, the president, who is chairman of this committee, would be at leisure, he might expect an answer at no distant day.

I am, sir, your obedient servant,

WM. L. DAYTON.

HON. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 486.]

PARIS, June 10, 1864.

SIR: I am just informed, in a private way, that suggestions for another effort are about being made between England and France to bring about peace in our country. No formal or official suggestion has been made from either side, nor is it supposed will be, and M. Drouyn de l'Huys says, I am informed, that he knows nothing about it; but it is reported to me as a fact officiously,

though not officially, resolved upon. Of course it is said that this effort is to be of the most conciliatory character, &c. I have had so many advices and reports of this kind that I have lost faith in them, and do not permit them to disturb me; but I have been advised, for some time past, that something was stirring in reference to our affairs, and there may be more truth in this report than some that have gone before it.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Dayton to Mr. Seward.

[Extracts.]

No. 488.]

PARIS, June 13, 1864.

SIR: I was on Saturday telegraphed by our consular agent at Cherbourg that a confederate vessel (supposed to be the Florida) had just anchored in that harbor. Some two or three hours later in the day he telegraphed me as follows:

"The rebel steamer is the Alabama, with thirty-seven federal prisoners. She has captured ship Rockingham, of New York, and a bark, off Cape of Good Hope.

"EDWARD LIAIS, *Vice Consul.*"

I immediately telegraphed Captain Winslow, of United States ship Kearsarge, now at Flushing. Captain Winslow has replied to me that "he will be off Cherbourg about Wednesday." * * * I likewise immediately enclosed to M. Drouyn de l'Huys minister of foreign affairs, a note of protest of like character as that made in the cases of the Florida and Georgia, a copy of which is herewith enclosed. I thought under all the circumstances it might be better not to neglect this, though the policy of the French government had been announced in the case of the other vessels. But I remembered that on one occasion when, in the course of conversation about these vessels, I said to M. Drouyn de l'Huys they needed but one ship more (the Alabama) to make the French ports a rendezvous for the entire rebel navy, and I thought she would next be here, he hastily said, "M., I will not permit that vessel to come in." It is just to say that this was not said by him, nor received by me, as a deliberate promise; it seemed rather an impulse, an outbreak of annoyance at the use their ports were being put to, which he truly remarked could not be the result of accident, but was obviously intended to beget trouble between France and the United States. Still the character of this vessel is so obnoxious, and so notorious, that it is possible they may exclude her; but, if otherwise, it is well to know and understand that they will apply their rules in the most extreme cases. If they act upon these principles they can scarcely complain if we, in return, when occasion shall arise, apply the same to themselves.

If any increase of our naval force on this coast is contemplated, as your late despatch informs me, I hope that as little delay in sending it may occur as possible. The arrival of the Alabama will spread universal dismay among American shippers in these seas and all engaged in American trade.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

PARIS, *June* 11, 1864.

MONSIEUR LE MINISTRE: You have no doubt been informed that the rebel corsair, the *Alabama*, arrived to-day at Oherbourg with thirty-seven federal prisoners.

Like protests as made by me in the cases of the *Florida* and the *Georgia* I beg, for still stronger reasons, to extend to the *Alabama*.

Accept, sir, the assurance of highest consideration with which I have the honor to be, your excellency's very obedient servant,

WM. L. DAYTON.

His Excellency M. DROUYN DE L'HUYS,
Minister of Foreign Affairs, Paris.

Mr. Dayton to Mr. Seward.

No. 489.]

PARIS, *June* 13, 1864.

SIR: I have the honor to enclose herewith an *original letter* received a few days since from certain individuals, lately officers of the Mexican army, now prisoners of war in France, together with a copy of the answer returned acknowledging its receipt.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

[Translation.]

TOURS, DEPARTMENT OF INDRE LOIRE,

May 26, 1864.

SIR: As soon as the blind apologists of the sophisms and prejudices of another epoch roused the passions and interests of the government near which you are accredited, producing the unjustifiable invasion of which the Mexican territory is at present the theatre, we comprehended the new field which presented itself to the human race to continue its conquests of progress, of improvement, and of perfection, to which it incessantly aspires in compliance with laws which nothing can impede.

Abstracting ourselves from selfish thoughts, we enter in good faith on the path of investigation, seeking the rules of morality, the dogmas of philosophy, the precepts of justice, on which might hang the pretext for overthrowing our independence, destroying our institutions, stifling our opinions, and casting around our necks the chains forged beforehand in the workshops of France. We must confess, Mr. Minister, that neither in morality, nor in reason, nor in justice, nor in history, nor in the annals of humanity, do we find a single word which can justify so vast an outrage, but without much effort we find that it rested on our wretchedness and on our weakness, because we have labored enough in demolishing the ancient edifice which social conditions were repugnant to burying beneath its ruins the rights of the citizen in order to build up a new edifice where might eternally dwell the rights of man. There was, therefore, no room for hesitation; the sword is not argument. In this idea, grasping ours in one hand, and bearing aloft in the other the sublime tablet of the rights of man, convinced that an assault upon the nationality of one people is an assault upon that of every people, we gave a beginning to the struggle. Victory smiled on us awhile, notwithstanding that our adversary to his indisputable knowledge in the art of war, knowledge very superior to ours, added

deception and perfidy in order to conquer us. At length, at Puebla, we succumbed to the superiority of physical force, and came to this country in the character of prisoners of war of France.

We are in the firm conviction that in proportion as we strip ourselves of our prejudices and of our privileges, reason resumes her place and civilization is aggrandized—not that civilization whose electric shock produces the shock of arms, but that whose torch is kindled in the conscience of the people. We, in consequence, think that wars of ambition and of conquest are no longer possible; those of emancipation and of liberty can alone take place until the time arrive in which there can be no material forces which can contend with moral force. The enlightened and magnanimous American people thinks as we do, and although tormented by a civil war whose end will be the security of the rights and immunities of man, does not, on that account, remain indifferent in a strife which affects its interests.

Even here we have heard its protest, and considering it to be an unavoidable duty which gratitude counsels that your government should know the sincere and profound sentiments of admiration and respect with which we are inspired by the virtues of the people of the United States of America, our position obliges us to address the present letter to you, begging you to think proper to become the interpreter of our fraternal affection.

At the same time we ask you, Mr. Minister, to deign to accept the assurance of the very high consideration with which we are your very humble and obedient servants,

Colonel JESUS GOMES, *Portugal*.
Colonel JOSÉ MONTESENOF.
Colonel LEWIS LEGONETA.
Commodore JUAN URBINA.
Lieutenant Colonel V. H. RUNERAS.
Commandant PABLO REUTEVIA.
Commandant FRANQUINTOM CORTEZ.

His Excellency Mr. DAYTON,
*Envoy Extraordinary and Minister Plenipotentiary
of the United States of America near the French Government.*

PARIS, *June 7, 1864.*

GENTLEMEN: As representative of the government of the United States at Paris, it is my pleasing duty to acknowledge the receipt of your letter of the 26th of May last, and to thank you for the kind sentiments and encouraging sympathies therein expressed.

It will give me much pleasure to forward your communication to the government at Washington.

Accept, gentlemen, the assurance of highest respect with which I have the honor to be,

Your very humble and very obedient servant,

WM. L. DAYTON.

Colonel JESUS GOMES, *Portugal*.
Colonel JOSÉ MONTESENOF,
Colonel LEWIS LEGONETA,
Commandant JUAN URBINA,
Commandant PABLO REUTEVIA,
Commandant FRANQUINTOM CORTEZ,
Tours, (Indre Loire,) France.

Mr. Dayton to Mr. Seward.

No. 491.]

PARIS, June 17, 1864.

SIR: You will, doubtless, have received, before this, notice of the arrival of the Alabama in the port of Cherbourg, and my protest to this government against the extension of any accommodations to this vessel. M. Drouyn de l'Huys yesterday informed me that they had made up their minds to this course, and he gave me a copy of the written directions, given by the minister of marine to the vice-admiral, maritime prefect at Cherbourg, a translation of which accompanies this despatch. But he, at the same time, informed me that the United States ship-of-war the Kearsarge had appeared off the port of Cherbourg, and there was danger of an immediate fight between those vessels. That the Alabama professes its entire readiness to meet the Kearsarge, and he believed that each would attack the other as soon as they were three miles off the coast. That a sea fight would thus be got up in the face of France, and at a distance from their coast within reach of the guns used on shipboard in these days. That the distance to which the neutral right of an adjoining government extended itself from the coast was unsettled, and that the reason of the old rules, which assumed that three miles was the outermost reach of a cannon shot, no longer existed, and that, in a word, a fight on or about such a distance from their coast *would be offensive to the dignity of France*, and they would *not permit it*. I told him that no other rule than the three-mile rule was known or recognized as a principle of international law; but if a fight were to take place, and we would lose nothing and risk nothing by its being further off, I had, of course, no objection. I had no wish to wound the susceptibilities of France by getting up a fight within a distance which made the cannon shot liable to fall on her coast. I asked him if he would put his views and wishes on this question in writing, and he promised me to do so. I wrote to Captain Winslow this morning, and herewith enclose you a copy of my letter. I have carefully avoided in this communication anything which would tend to make the Kearsarge risk anything by yielding what seemed to me an admitted right.

To deliver this letter, and understand some other matters in respect to the alleged sale of the clipper ships at Bordeaux, I have sent my son to Cherbourg.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Dayton to Captain Winslow.

SIR: This will be delivered to you by my son and assistant secretary of legation. I have had a conversation this afternoon with M. Drouyn de l'Huys, minister of foreign affairs. He says they have given the Alabama notice that she must leave Cherbourg; but in the mean time you have come in and are watching the Alabama, and that this vessel is anxious to meet you, and he supposes you will attack her as soon as she gets three miles off the coast. That this will produce a fight which will be at best a fight in waters which may or may not be French waters, as accident may determine. That it would be *offensive to the dignity of France* to have a fight under such circumstances, and France will *not permit it*. That the Alabama shall not attack you, nor you her, within the three miles, or on or about that distance off. Under such circumstances I do not suppose that they would have, on principles of international law, the least right to interfere with you if three miles off the coast; but if you lose nothing by fighting six or seven miles off the coast instead of three, you had best do so. You know better than I (who have little or no knowledge of the relative strength of the

two vessels) whether the pretence of the Alabama of a readiness to meet you is more than a pretence, and I do not wish you to sacrifice any advantage if you have it. I suggest only that you avoid all *unnecessary* trouble with France; but if the Alabama can be taken without violating any rules of international law, and may be lost if such a principle is yielded, you know what the government would expect of you. You will, of course, yield no real advantage to which you are entitled, while you are careful to so act as to make, *uselessly*, no unnecessary complications with the government. I ought to add that Mr. Seward's despatch, dated May 20, 1864, was in the following words: "The Niagara will proceed with as much despatch as possible to cruise in European waters, and that the Dictator, so soon as she shall be ready for sea, (which is expected to be quite soon,) will follow her, unless, in the mean time, advices from yourself and Mr. Adams shall be deemed to furnish reasons for a change of purpose in that respect." That you may understand exactly the condition of things here in regard to the Alabama, I send you herewith a copy of a communication from the minister of marine of the naval prefect at Cherbourg, furnished me by the minister of foreign affairs.

Respectfully, your obedient servant,

WM. L. DAYTON.

Captain WINSLOW,
United States Ship Kearsarge.

The Minister of the Marine and the Colonies to Monsieur the Vice-Admiral, maritime prefect at Cherbourg.

[Translation.]

CABINET OF THE MINISTER,
Paris, June 15, 1864—noon.

We cannot permit the Alabama to enter into one of our basins of the arsenal, that not being indispensable to place it in a state to go again to sea. This vessel can address itself to commerce, (commercial accommodations,) for the urgent repairs it has need of to enable it to go out; but the principles of neutrality, recalled in my circular of the 5th of February, do not permit us to give to one of the belligerents the means to augment its forces, and in some sort to rebuild itself: in fine, it is not proper that one of the belligerents take, without ceasing, our ports, and especially our arsenals, as a base of their operations, and, so to say, as one of their own proper ports.

You will observe to the captain of the Alabama that he has not been forced to enter into Cherbourg by any accidents of the sea, and that he could altogether as well have touched at the ports of Spain or Portugal, of England, of Belgium, and of Holland.

As to the prisoners made by the Alabama, and who have been placed ashore, they are free from the time they have touched our soil; but they ought not to be delivered up to the Kearsarge, which is a federal ship-of-war. This would be for the Kearsarge an augmentation of military force, and we can no more permit this for one of the belligerents than for the other.

Mr. Seward to Mr. Dayton.

No. 583.]

DEPARTMENT OF STATE,
Washington, June 17, 1864.

SIR: Your despatch of the 2d instant, No. 479, respecting the proceedings of Mr. de la Montagnie, the United States consul at Nantes, with regard to the in-

urgent ships in course of construction at that place, has been received. We shall write to Mr. Montagnie and relieve him from the censure, and at the same time shall tell him that he was right in addressing himself to you.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

[Extract.]

No. 584.]

DEPARTMENT OF STATE,

Washington, June 18, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch of the 3d of June, No. 480, which relates your proceedings and those of the imperial government concerning the unhappy difference which has arisen between Spain and Peru. Your proceedings are entirely approved, and the President, with pleasure, directs that you make known to Mr. Drouyn de l'Huys the satisfaction which this government has derived from the ready concurrence of the Emperor in the wishes we have expressed for the averting of war between two nations, both of which are friendly to the United States as well as to France—a war, moreover, which we cannot but think would be as unnecessary as it would be injurious to the general peace of nations.

I am sure that you will need no instructions to persevere in the direction indicated.

• • • • •

am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 585.]

DEPARTMENT OF STATE,

Washington, June 18, 1864.

SIR: With reference to your despatch of the 13th of May, No. 463, inquiring whether the war steamer now being constructed in New York for the Japanese government would be completed in season to enable the embassy of that government to embark on their return voyage, I have now to enclose a copy of a letter from Thurlow Weed, esq., to whom your inquiry was referred, from which it will be seen that the vessel in question will, in all probability, be ready for sea on the 15th of August. I will thank you to ascertain the number of persons attached to the embassy with a view to their proper accommodation on the voyage, and also as to the date of their intended departure from this country.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 492.]

PARIS, June 20, 1864.

SIR: By a despatch sent you by the last steamer, I informed you that a fight was anticipated between the United States ship Kearsarge and the Alabama, and that I had, after a conference with M. Drouyn de l'Huys, sent my son to

Cherbourg with a communication for Captain Winslow. He arrived there at 9½ p. m. Our vice-consul, McLain, who has been at all times prompt and efficient, was at the depot watching for men supposed to be coming to the Alabama from the Rappahannock; none, however, came. The vice-consul applied to the maritime prefect to receive my son, who, when informed that he was the bearer of despatches from me for Captain Winslow, said he would give him a permit to go off to the Kearsarge next morning at 7½ o'clock. The next morning he did so, the ship then lying some six or seven miles off at sea. He found that the prefect had himself already communicated the wishes of this government as to the distance within which it wished a fight should not occur. The next information I received was at about half past 2 p. m. on Sunday, by telegram from my son, in these words: "Cherbourg, 19th June, 1864, 1 o'clock 22'.—The Kearsarge sunk the Alabama this morning, after a fight of one hour and a half. The Alabama sunk five miles from the shore." This was confirmed by a second telegram, somewhat later in the day, with the additional information that he had been on board the Kearsarge since the fight; that but three of her seamen were wounded; no officers were injured; that there was no important damage to the Kearsarge; that they had taken sixty-five prisoners, but that Captain Semmes and his first lieutenant had made their escape on board an English yacht. For the nationality of this yacht he must have depended, I presume, upon the information derived from those around him. It is by him received, therefore, with proper caution. I subsequently received from him a hastily written letter, dated Sunday, ¼ before 2 p. m., in which he tells me that from an elevated position near Cherbourg he saw the entire fight—that it lasted an hour and a half, at the end of which the Alabama tried to run away, but could not escape. The Kearsarge pursued, apparently, he says. She then surrendered, for the firing ceased. A few minutes after two boats were seen to put off from the Kearsarge, but before they could reach the Alabama she went down in a second, *apparently* without anything on board.

In the morning of the same day I received from Captain Winslow a telegram in these words: "Alabama is sunk; had I not better parole prisoners, as they incumber us for want of accommodations? Immediate answer." To this I replied: "By no means. To parole your prisoners would be to admit the Alabama a regular ship-of-war. Our government has always denied this. The St. Louis will be at Cherbourg in a short time and relieve you of your incumbrance, if you wish it."

I received a subsequent telegram on the same subject, and then wrote to Captain Winslow a letter, of which I send you, herewith, a copy. I have just learned from an eye-witness that a few of the dead and wounded from the Alabama were on the Kearsarge after the fight. I do not, however, suppose there was great loss of life even on board the Alabama. It is reported ten were killed besides those drowned, but this comes from confederate authority, and I have no great confidence in the accuracy of the statement. The destruction of this vessel off the French coast has excited a great sensation here, and will help to redeem our naval prestige, much diminished abroad of late years. It is but just that I should say that Captain Winslow has been equally prompt and efficient since the arrival of the Alabama in European waters. Immediately upon being informed by our consul at Cherbourg, on June 11, that the Alabama had arrived there, I telegraphed the fact to the Kearsarge, at Flushing. He answered on the 12th that he would be off Cherbourg about Wednesday—and he was there. He did not enter the port, (which would have subjected him to the application of the twenty-four hour rule,) but laid off beyond the three-miles limit—sometimes even out of sight. My son was informed that Semmes had instructed his agent in Cherbourg to inform Captain Winslow that the presence of the Kearsarge off Cherbourg was an insult! and he intended to come out and meet him. And it is just to say he did so, boldly, in broad daylight, accompanied by a

French man-of-war to the distance of at least three miles, to see, doubtless, that the three-mile rule was respected, when she left him, and the battle soon commenced. The whole affair was clearly visible to all those well placed on the shore. Many boats went off towards its close, and helped to pick up the swimming and drowning men. Some were brought by our own boats to the Kearsarge, some were carried on shore, and some got off in an English vessel, and were landed, I am informed by telegram, at Southampton. I have written you a rambling despatch, because in this way only could I send to you the facts which I thought it might be of interest for you to know.

I am, sir, your obedient servant,

WM. L. DAYTON.

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Dayton to Captain Winslow.

PARIS, June 19, 1864.

MY DEAR SIR: Permit me to offer you, your officers and crew, my hearty congratulations upon your success, this morning, in destroying the Alabama—that pest of the seas. You could have rendered to your country, I am sure, no service more acceptable than this; every loyal American will receive a knowledge of the fact with gratification and joy. I am happy in being able, as an organ of my countrymen, to tender to you thus promptly their thanks and congratulations. I am sure I can but express, very feebly by anticipation, their thanks and good wishes.

Your telegram as to the question of paroling your prisoners was not received in time to get off an answer which can be received to-night, the office at Cherbourg not being open, as I am informed, to receive despatches after 9 p. m. I telegraphed you, however, that you had better not parole your prisoners, because our government had always refused to consider the Alabama a regular ship-of-war; and to discharge these prisoners on their parole would be to concede to them a right which the government had, in effect, denied they were entitled to. The responsibility of determining the *status* I thought most prudent should be left to the government itself. The St. Louis was, two days ago, on its way to Cadiz and Cherbourg, and would, if necessary, relieve your decks of their incumbrances. Please report to me the *circumstances* under which Captain Semmes and lieutenant escaped on the English yacht referred to in the telegram from my son.

I am, sir, your obedient servant,

WM. L. DAYTON.

Captain WINSLOW, *U. S. Ship Kearsarge.*

Mr. Dayton to Mr. Seward.

No. 493.]

PARIS, June 22, 1864.

SIR: My son returned from Cherbourg last night by way of Havre, to which latter place, at the request of our vice-consul at Cherbourg, he had gone with the 37 prisoners brought into Cherbourg by the Alabama; these persons he left with Mr. Putnam, our consul at Havre, and then returned immediately to Paris.

It may not be amiss to state some additional facts communicated to my son while at Cherbourg in reference to the Alabama and Kearsarge. He was on board the latter immediately after the fight, and while there he was informed

that the Alabama had formally surrendered. That an officer had come on board the Kearsarge, said they had surrendered, that they were in a sinking condition, and asked assistance to save the crew. That this was at once granted. Their flag had been hauled down, but having no white flag at hand, they had torn off the colored part and used the white remnant for this purpose. That in the mean time, and after the surrender, the English yacht Deerhound came near the Kearsarge, and was asked by Captain Winslow, from motives of humanity, to help them pick up the crew of the Alabama. That they said they would do so. They then proceeded towards the Alabama, and picked up a number of the officers and crew, but instead of delivering them to the Kearsarge, as under the circumstances the officers of the last-named ship thought them bound in honor to do, they steamed off, and made their escape with the prisoners towards the English coast. Captain Winslow says he would have stopped or followed them, but while he observed them bearing off, he supposed they might be looking about for others yet struggling or floating in the water; that he never dreamed that this vessel, belonging to a reputable yacht club, could act so dishonorably, but the impression now is that the yacht was present there by concert with Semmes, and with a view not only to see the fight, but to aid the crew of the Alabama if occasion should arise for it. As some evidence of the relationship between these parties, the prisoners taken on board the Kearsarge from the Alabama say that Semmes did not, before going out to fight, deposit the chronometers taken by him from vessels destroyed with the Brazil consul or any other parties at Cherbourg, as reported in the journals, but that he did deposit about 120,000 francs worth of money and jewelry. That the chronometers he had collected were, about 3 a. m. of the day of the fight, put on board this English yacht. The yacht preceded him to sea on the morning of the fight only about half an hour, and communicated with him apparently as he came out.

The damages to the Kearsarge are entirely unimportant. She is ready again for service; she was touched by 28 shot in all; eight shots only struck her hull, four of these lodged there; one shell lodged, and still remains unexploded in her rudder port; port boat aft was struck twice, one shot went through the smoke-stack, one through the engine-room sky-light. All the rest hit in the rigging. The Alabama fired 18 shots before the Kearsarge returned the fire; the vessels nearing each other gradually. The Kearsarge fired in all 173 shots. The Alabama fired many more, but her firing was wild, while the practice of the Kearsarge was excellent.

I learn from my son that Captain Winslow not receiving any despatch as to paroling his prisoners until 11 o'clock at night of the day of the fight, (which was earlier than I supposed he would get it,) and being inconvenienced for want of accommodations, paroled the men, who were his prisoners, though not the officers, five of whom are yet with him. He put the men on shore that night. Perhaps he was right and I was wrong; at all events, it closes, as to the men, for the present, a question which might have been troublesome.

I am, sir, your obedient servant,

WM. L. DAYTON.

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 494.]

PARIS, June 24, 1864.

SIR: I yesterday communicated to Mr. Drouyn de l'Huys a copy of the letter from Mr. Mansfield, our consul at Tabasco, dated 10th of February last, and enclosed to me in your despatch No. 567, and I made this the basis of further

complaint to him on the subject of Mr. Mansfield's imprisonment. Mr. Drouyn de l'Huys said he had never been able to obtain any knowledge on the subject from Mexico, or the minister of marine. It would seem as if they there knew nothing, not even the existence of any such person as Mr. Mansfield. I told him that the complaint had been made long since, and it seemed to me if he had received nothing conflicting with the statements of Mr. Mansfield, it was but just and fair they should assume them as true, and act on them accordingly; that they could scarcely suppose, after this ill treatment of our consul, that we would be satisfied by the authorities simply ignoring the whole subject. He said that, with this additional communication now left with him, he would make one more effort for information and give me an answer.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 495.]

PARIS, June 24, 1864.

SIR: The Yeddo, one of those vessels built by Arman, at Bordeaux, for the confederates, left port yesterday morning at about 6½ a. m. She left port under French colors, ostensibly for Amsterdam, and our consul thinks will go there. You will recollect I told them I would prefer that she should be delivered in Amsterdam rather than off Bordeaux, if permitted to go out of port at all. It will now be seen if Holland will permit her to be armed there, or will, in any respect, aid and abet this fraud (if it be such) against us.

The Osacca, a twin ship, and sold, as I am informed, to the same parties, will not be ready to leave for perhaps a week or two more. They are pressing her to completion as fast as possible, a large number of hands being constantly engaged. She will of course be permitted, like the Yeddo, to leave port. Mr. Drouyn de l'Huys professes to be convinced, as I have heretofore informed you, that the sale is a fair one, and that these vessels will not get into the hands of the confederates; but I am not at all satisfied, though I have nothing except circumstances and my utter distrust of the good faith of Arman on which to rest my suspicions. You will find an account of her sailing in Galignani, of this morning. In renewing my remonstrances to Mr. Drouyn de l'Huys yesterday on this subject, he said they could do no more than they had done; they had exercised a proper caution and prudence to see that the sale was to a neutral and *bona fide*; that the builder had a right to sell his ship, and they could not stop him without being subject to damages. I told him it was certainly better to take this hazard than the hazard of war between the two countries. He answered that they were subject to laws as well as we, and that they, like us, must respect the rights of their citizens; that, notwithstanding all the "reproaches" against France, nothing had happened, up to the sailing of the Yeddo at least, against which we could in any way complain. I made no reply to, or rather disclaimer of, this word "reproaches," though I certainly have used no language which could be justly so termed; but I have used frequent and strong remonstrances in reference to the completion and sailing of these ships, which was, doubtless, about what M. Drouyn de l'Huys meant. I certainly ought not, and indeed cannot, go further on this subject than I have done. I hope that my suspicions will all turn out to be groundless, but I wish the Niagara and Dictator were here. Some increased force on this coast, and in these waters, may be necessary at an early day. Its presence, at all events, will be useful.

The whole government press of France sympathizes with the Alabama. You would suppose from its descriptions that that vessel had gone out to fight only

from a high sense of honor, though conscious that she was every way over-matched in size, armament, and crew ; that, in fact, she was a mere martyr to a chivalrous sense of honor. I enclose you a printed statement of what purports to be an official report of the combat, from Captain Semmes. To whom this report is made, or how it happens to be published immediately here, does not appear.

I am, sir, your obedient servant,

WM. L. DAYTON.

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

THE ALABAMA.

The following is the official report of Captain Semmes :

SOUTHAMPTON, *June 21, 1864.*

SIR: I have the honor to inform you that, in accordance with my intention as previously announced to you, I steamed out of the harbor of Oherbourg between nine and ten o'clock on the morning of June 19, for the purpose of engaging the enemy's steamer Kearsarge, which had been lying off and on the port for several days previously. After clearing the harbor we descried the enemy with his head off shore, at a distance of about nine miles. We were three-quarters of an hour in coming up with him. I had previously pivoted my guns to starboard, and made all my preparations for engaging the enemy on that side. When within about a mile and a quarter of the enemy he suddenly wheeled, and bringing his head in-shore, presented his starboard battery to me. By this time we were distant about one mile from each other, when I opened on him with solid shot, to which he replied in a few minutes, and the engagement became active on both sides. The enemy now pressed his ship under a full head of steam, and to prevent our passing each other too speedily, and to keep our respective broadsides bearing, it became necessary to fight in a circle; the two ships steaming around a common centre, and preserving a distance from each other of from a quarter to half a mile. When we got within good shell-range we opened upon him with shell. Some ten or fifteen minutes after the commencement of the action our spanker gaff was shot away, and our ensign came down by the run. This was immediately replaced by another at the mizzenmast head. The firing now became very hot, and the enemy's shot and shell soon began to tell upon our hull, knocking down, killing and disabling a number of men in different parts of the ship. Perceiving that our shell, though apparently exploding against the enemy's sides, were doing but little damage, I returned to solid-shot firing, and from this time onward alternated with shot and shell. After the lapse of about one hour and ten minutes our ship was ascertained to be in a sinking condition, the enemy's shell having exploded in our sides and between decks, opening large apertures, through which the water rushed with great rapidity. For some few minutes I had hopes of being able to reach the French coast, for which purpose I gave the ship all steam, and set such of the fore and aft sails as were available. The ship filled so rapidly, however, that before we had made much progress the fires were extinguished in the furnaces, and we were evidently on the point of sinking. I now hauled down my colors to prevent the further destruction of life, and despatched a boat to inform the enemy of our condition. Although we were now but four hundred yards from each other, the enemy fired upon me five times after my colors had been struck, dangerously wounding several of my men. It is charitable to suppose that a ship-of-war of a Christian nation could not have done this intentionally. We now turned all our exertions towards the wounded, and such of the

boys of the ship as were unable to swim. These were despatched in my quarter boats, the only boats remaining to me, the waist boats having been torn to pieces.

Some twenty minutes after my furnace fires had been extinguished, and the ship being on the point of settling, every man, in obedience to a previous order which had been given to the crew, jumped overboard and endeavored to save himself. There was no appearance of any boat coming to me from the enemy until after the ship went down. Fortunately, however, the steam yacht *Deerhound*, owned by a gentleman of Lancashire, England, Mr. John Lancaster, who was himself on board, steamed up in the midst of my drowning men and rescued a number of both officers and men from the water. I was fortunate enough myself thus to escape to the shelter of the neutral flag, together with about forty others, all told. About this time the *Kearsarge* sent one, and then, tardily, another boat.

Accompanying you will find lists of the killed and wounded, and of those who were picked up by the *Deerhound*. The remainder, there is reason to hope, were picked up by the enemy, and by a couple of French pilot-boats which were also fortunately near the scene of action. At the end of the engagement it was discovered, by those of our officers who went alongside the enemy's ship with the wounded, that her midship section on both sides was thoroughly iron-coated, this having been done with chains constructed for the purpose, placed perpendicularly from the rail to the water's edge; the whole covered over by a thin outer planking which gave no indication of the armor beneath. This planking had been ripped off in every direction by our shot and shell, the chain broken and indented in many places, and forced partly into the ship's side. She was most effectually guarded, however, in this section from penetration. The enemy was much damaged in other parts, but to what extent it is now impossible to tell; it is believed he was badly crippled.

My officers and men behaved steadily and gallantly, and though they have lost their ship, they have not lost honor. Where all behaved so well it would be invidious to particularize; but I cannot deny myself the pleasure of saying that Mr. Kell, my first lieutenant, deserves great credit for the fine condition in which the ship went into action, with regard to her battery, magazine, and shell-rooms; also that he rendered me great assistance by his coolness and judgment as the fight proceeded.

The enemy was heavier than myself both in ship, battery, and crew, but I did not know until the action was over that she was also iron-clad. Our total loss in killed and wounded is thirty, to wit, nine killed and twenty-one wounded.

I have the honor to be, very respectfully, your obedient servant,
R. SEMMES, *Captain*.

Mr. Dayton to Mr. Seward.

[Extract.]

No. 496.]

PARIS, *June 26, 1864.*

SIR: I have neglected to write you concerning the new transatlantic steamship line from Havre to New York, inaugurated by a banquet at Havre on Wednesday, the 15th of this month; on which day the steamer *Washington*, the first and only finished ship of the line, left for New York. The line is to consist of five large steamships, well built and well furnished. It is on this side in the hands of Mr. Pereire, president of the company, and who is likewise president of the *Credit Mobilier*. He is a gentleman of large fortune and great business capacity. This transatlantic steam company has a large subsidy from

the French government, and if properly managed, cannot fail to be a successful enterprise. I was present at the inauguration by invitation of the company, and made a few remarks expressive of our good wishes. Some speeches were made by French gentlemen present, especially one by M. Michel Chevalier, (a gentleman, as you know, of literary celebrity, and a senator of France,) highly eulogistic of our country. Everything passed off pleasantly. The steamer will have arrived at New York doubtless before this letter will have reached your department. I hope such notice will be taken of her and of her officers in that port as may gratify the national pride of France. No people are more sensitive than they to attentions of any kind. A new line of steamships between Havre and New York is an event of great importance, not to our commercial interests only, but as an additional link uniting in relations of peace and friendship the two nations more firmly together.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

P. S.—Captain Winslow has come up to Paris; the Kearsarge is yet at Cherbourg, ready for sea.

I have received a telegram from Flushing advising me of the arrival of the Niagara at Antwerp. I am glad she is there. There is little doubt an effort is being made to furnish Captain Semmes with another ship. I enclose you a slip cut from *La France* of this morning, which purports to give some details. It would seem that it is taken for granted that the men paroled will pay no attention to their parole. I had heard this before, but could not credit it.

D.

[Translation.]

THE ALABAMA.

They write us from Cherbourg that the greater part of the seamen of the Alabama have left that city after having received one month's pay and their travelling expenses. They have received the orders of their captain, and have kept secret the name of the port at which they are to meet again.

Captain Semmes has not left England. He has called near him those of his officers to whom he has intrusted the armament of the new vessel of which he will soon take the command. According to the information which we have been enabled to obtain, the new Alabama will be a small, sharp-built corvette, with covered blinds within, and provided with a powerful battery. Captain Semmes has, it is said, ordered to be privately made three pivot guns capable of throwing hollow projectiles of 170 pounds English, and solid shot of 220 pounds. His crew, which consisted of 142 men, will be increased to 172 men. This information is positive. We are entirely ignorant of the port where the vessel is to be fitted out, but it is probable that no degree of watchfulness will prevent her from taking the sea.

The confederates have no large squadrons like their adversaries, and, in order to injure them effectually, they have armed, as privateers, a portion of their war vessels, which are manned by picked officers and crews. The Alabama was so equipped. That vessel was entered on the register of the southern navy as No. 87; the Florida, so known, was set down as No. 83. She is commanded by a captain of a frigate. The war of these privateers is terrible to the commerce of the north, to which it causes enormous losses. In the actual state of

things, this warfare is completely lawful. It is the same warfare which France waged with so much success against England under the Empire, and we know the high estimation in which Napoleon the First held the celebrated Surcouf, upon whom he bestowed the cross of the legion of honor. This estimation the present Emperor has continued to hold for his memory, and he has desired that his name should be given to one of the vessels of the imperial navy. One of our most efficient corvettes is called the Surcouf, and also two of our ships-of-the-line are called the Jean-Bart and the Duguay-Trouyn. These facts must be known.

Semmes, the commander of the Alabama, has been accused of having caused his prisoners to be put in irons. This accusation deserves a short and irrefutable explanation. The hatred which the people of the north have for the people of the south, and reciprocally, is known. The war which they are waging against one another causes these passionate feelings to be greatly aggravated. They both treat, by reciprocity, their prisoners of war with a harshness which is unknown in Europe.

Captain Semmes is known for his humanity. Numerous facts prove it; but on one occasion the confederate corvette, Jefferson Davis, fitted out as a privateer, was captured by a northern frigate. The commander of the privateer and ten of her crew, who drew lots therefor, were put in irons. The government of Richmond being officially informed of this fact, ordered its officers to act in like manner for the period of six months. It is proven that Semmes only so acted in compliance with higher orders issued in consequence of a reciprocity.

Our information from Cherbourg makes known to us that the Kearsarge was still at that port, and that her repairs will not be completed before the middle of July. It has been found necessary, in order to have a duplicate thereof in case of an accident, to have made, by private parties, one of the principal parts of her machinery.

A. RENAULD.

Mr. Seward to Mr. Dayton.

No. 592.]

DEPARTMENT OF STATE,
Washington, June 27, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch of the 10th of June instant, No. 486.

In that paper you state that you have received information in a private way that suggestions for another effort are about being made between England and France to bring about peace in our country.

I am disinclined to believe that your information is accurate.

It will, however, be easy for you to ascertain by inquiry of M. Drouyn de l'Huys. You are at liberty, but are not required to do this. If you find any reason to believe the report to be correct, you will then inform M. Drouyn de l'Huys that the United States adhere to their determination heretofore announced, namely: to be, exclusive of all foreign nations, the arbiter of their own rights and duties in the present civil war.

A copy of your note and of this reply will be transmitted to Mr. Adams, and he will be authorized in his discretion to speak in the same sense to Earl Russell.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 593.]

DEPARTMENT OF STATE,
Washington, June 27, 1864.

SIR: In your despatch of the 8th of June, No. 484, which has already been acknowledged, you remark that you thought M. Drouyn de l'Huys was rather disposed to find fault with late proceedings of this government; that he referred again to our refusal of coal to the French fleet and to our giving up "to be hanged," as he said, the secretary of Vidaurri, who had fled to Brownsville for protection, although there now was scarcely a man against France in Mexico. You state that M. Drouyn de l'Huys further remarked that after their military officers were on the ocean to visit our country with a view to examine what was to be seen there with our assent and assurance of welcome, they were then informed that this line or that could not be examined, and that it would have been agreeable if notice had been sooner given. (The remark to which this is in allusion is omitted in Mr. Dayton's note, as printed.) In your despatch No. 483 you intimate an apprehension that the French government may not be unwilling to find us acting so as to enable it to assume that it is put on the defensive, and entitled to vindicate its honor.

The remarks of M. Drouyn de l'Huys, although not intrinsically grave, derive importance from the peculiar position of the relations between France and the United States. The executive government of this country has no such susceptibilities as to make it desire or favor any misunderstanding with the government of France. On the contrary, it is an administration which, by its very constitution, would be pacific and friendly towards France, and towards all nations, even if it did not find especial and urgent persuasions to that policy in the distractions of our unhappy civil war. Nevertheless it is not well to overlook the fact that a large mass of the American people, owing to the war of France against Mexico, are not less open to alienating influences in regard to France than the government of France can be in regard to the United States. It will be well, therefore, for you to let M. Drouyn de l'Huys understand that you communicated his complaints to me, and to give him my answer to them, which is as follows:

First. In relation to the supply of coals for the French fleet: the same practice was followed in regard to France in that case which is followed in regard to all other nations. Second. The restrictions on the supply of coals to foreign vessels were adopted for our own safety against a dangerous internal enemy, and for the guarding of our neutrality, as much in regard to Mexico as in regard to France. Third. That the difficulty about the exportation of the coals in question was accommodated to the satisfaction of the French government. Fourth. In regard to the delivery of the secretary of Vidaurri to the authorities of Mexico: the French government has not complained of that transaction, nor has this government been officially called upon to express itself concerning the affair. The proceeding was a military one; it occurred on a distant and disturbed frontier, without any knowledge on the part of the Executive, and, so far as this government has subsequently received any knowledge or information, the offending Mexican who was delivered up to his own government was an open enemy of the United States, and the general who delivered him up had no knowledge or reason to believe that the Mexican authorities would deal with him other than as a prisoner of war. Fifthly. As to the delay of the French officers on their way to the army of the Potomac after this government had assented to their visit: the assent was given with no reservation, because no occasion for any was anticipated. A military exigency of extreme delicacy and importance subsequently occurred, and the commanding general of the armies of the United States deemed it important to exclude, for the time, all visitors from the army.

Notice was given to the French as well as to the British commission at the first moment when this necessity was announced to this government. The French commission was received here with all the hospitalities of the government, and as soon as the exigency referred to had passed, they were sent forward to the field of observation. You may make these explanations to M. Drouyn de l'Huys. You may say to him that this government cannot admit that in either of the transactions I have thus reviewed, it has been either unjust, discourteous, or unfriendly to the government of France. This government avoids with equal care the putting unfriendly constructions upon the proceedings of the government of France and on other foreign states, and the giving of accidental offence on our own part to all foreign nations.

Pursuing this course, we calmly abide events which must determine whether, in spite of our devotion to peace, the field of war on this continent must be enlarged.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

[Extract.]

No. 594.]

DEPARTMENT OF STATE,
Washington, June 27, 1864.

SIR: I have the honor to acknowledge the receipt of your despatches as follows of the 8th of June, Nos. 483 and 484, and of the 10th of June, No. 485, all of which relate to the "Rappahannock," and to the ships which are building at Bordeaux and at Nantes for the insurgents.

After a careful reading of these papers, I am authorized by the President to approve of all that you have said and written to M. Drouyn de l'Huys concerning those vessels.

I agree with you, that what Mr. Drouyn de l'Huys has now said and written on that subject is less decisive in regard to the prevention of the vessels from going into the hands of the insurgents than his former verbal assurances, and less emphatic than this government has a right to expect. It is proper for me to remark, however, that Mr. Geofroy seems to understand the purposes of his government in respect to the vessels, and he has certainly given me expressions just as decisive as the earlier verbal assurances of M. Drouyn de l'Huys, which were accepted by yourself and by this government. Under the circumstances, we indulge a hope that before this time you will have received from him a full and distinct guarantee in reply to your note of the 7th of June, a copy of which is appended to your No. 484. I can conceive that the proceedings of the French government might be legal, so far as we are concerned, and yet that it might desire to practice reserve in regard to the future destination of the vessels. In any case, it is not easy to see that you can do more than to persevere in the course of proceedings which you have hitherto pursued.

* * * * *

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 595.]

DEPARTMENT OF STATE,
Washington, June 28, 1864.

SIR: Mr. Geofroy has to-day submitted to me a despatch which has been received from M. Drouyn de l'Huys, in which he states the fact of the sale of two ships, the Yeddo and the Osacca, which Arman built for the insurgents, to alleged neutrals, to be delivered in Holland, substantially on the same terms as those which M. Drouyn de l'Huys made in communicating that transaction to yourself, as you have related them to us in your despatches. In the absence of full and definite information about the names, condition, or character of the alleged purchaser, the terms of his contract or the other circumstances of the alleged sale, this government is not prepared to pronounce its acquiescence in the disposition of the subject which has been made by the French government. We are to be understood, therefore, as maintaining in regard to France all the protests we have heretofore made concerning those vessels, and reserving all the rights and remedies in respect to the vessels themselves which belong to the United States under the law of nations. At the same time we willingly believe that the French government has taken proper care to guard against the vessels being used for making war upon the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 497.]

PARIS, *June 29, 1864.*

SIR: I have the honor to send you herewith a translation of a letter received by my son from M. Dufour, surgeon-in-chief of the government hospital at Cherbourg.

A telegram received the night before last, from our vice-consul at Cherbourg, states that Gowan, the seaman of the Kearsarge, most dangerously wounded, having a compound fracture of the leg, is dead.

I am, sir, your most obedient servant.

WM. L. DAYTON.

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Surgeon Dufour to Mr. Dayton.

Translation.]

CHERBOURG, *June 23, 1864.*

SIR: I am happy to give you favorable news of the three men of the Kearsarge, who were confided to my care, and whom you saw during your visit at Cherbourg. The one whose thigh and leg were seriously injured is in as satisfactory a state as possible, and I hope to be able to avoid an amputation, the result of which, as it would have to be made very high up, would be very uncertain. The sergeant whose arm was amputated is not doing badly; the last (the third) will certainly recover.

Be pleased to communicate this information to M. your father, and say to him that everything which solicitude and most lively sympathies can impose in the way of care will be given to the wounded which the fight has brought us. Be

pleased, also, to believe in the great pleasure I will have to complete your acquaintance when I shall go to Paris. If you need any further information write me.

Believe me your very devoted. I shake you cordially by the hand.

DUFOUR,

*1st Surgeon-in-chief of the Navy,
President of the Board of Health.*

Among the men of the Alabama, the one whose fore arm was crushed gives me much anxiety; the others much less.

Mr. Dayton to Mr. Seward.

No. 498.]

PARIS, June 30, 1864.

SIR: I have the honor to send you herewith translations of two communications received from the three Japanese ambassadors, who have been residing in Paris for some time past, but who have now left on their return to Japan.

Accompanying these you will please find the original communication from the Japanese ambassadors to your excellency, referred to in one of the translations enclosed.

I am, sir, your obedient servant,

WM. L. DAYTON.

HON. WILLIAM H. SEWARD, &c., &c., &c.

Japanese Ambassadors to Mr. Dayton.

[Translation.]

To his excellency the Minister of the United States of America in France:

We have to make to you the following communication:

In the Magrato country of Japan was committed the unlawful act of firing cannon into an American ship, which caused great regret on account of the amicable relations of the two countries.

By the express order of his majesty the Taicoon of Japan to apologize for this act, and to enter into negotiations as to the steps to be taken in order to quiet the revolutionary sentiment of the Japanese people, we left Japan in our twelfth month of the last year (in Europe, February, 1864) with the view of obtaining, upon arriving in the capital of the United States of America, an audience of his excellency the President, and of having an interview with the minister of foreign affairs, and now we are here at Paris, capital of France.

We have now an important matter to set before our government, and we are obliged to return from here to Japan, but, in conformity to the order which will be given later by our government, it is possible that we will return to Europe, and that we will reach your country. It is desirable that you should understand this, whilst we will communicate the details in writing to the minister of foreign affairs of the United States of America.

Set forth with respect and consideration.

The 11th day of the 5th month of the 4th year of Bunkin.

IKEDA TSIKOE-NO-KAMI.
KAWADZO TDZOE-NO-KAMI.
KAWADA SAGAMI-NO-KAMI.

P. S.—It is requested that the sealed letter herewith be sent to the minister of foreign affairs of the United States of America.

Japanese Ambassadors to Mr. Dayton.

[Translation.]

To his excellency the Minister of the United States of America in France :

We have to make you the following communication :

Some time since we begged you to ask of your government the date of the completion of the vessels-of-war, which have been requested of your government, and to send the answer to the place where we might be at the time, and our secretary spoke to your secretary about the matter ; but as we return from here to Japan, we beg you to send directly to Japan, to our address, the answer which you may receive from your government.

Set forth with respect and consideration.

The 11th day of the 5th month in the 4th year Boen-Cun.

IKEDA TSIKOEKO-NO-KAMI.
KAWADZO TDZOE-NO-KAMI.
KAWADA SAGAMI-NO-KAMI.

Mr. Dayton to Mr. Seward.

No. 499.]

PARIS, *June* 30, 1864.

SIR : Upon the suggestions of Captain Winslow, now in Paris, I have written a letter to the minister of marine, expressing my thanks and high appreciation of the humanity and kindness shown to the wounded at Cherbourg by the surgeon and provost surgeon of the navy hospital at that port. Enclosed I send you a copy of the letter.

I am, sir, your obedient servant,

WM. L. DAYTON.

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

PARIS, *June* 29, 1864.

MONSIEUR LE MINISTRE : After the late combat between the Kearsarge and Alabama, off Cherbourg, the three wounded men of the crew of the Kearsarge, and all the wounded men of the crew of the Alabama, in our possession, were placed in hospital at Cherbourg. Since that time they have received the constant care and attention of Monsieur Dufour, surgeon-in-chief of the marine, and of Monsieur Aubin, surgeon of the second class, provost to the hospital of the marine.

I beg, as well in behalf of these unfortunate sufferers as of my government, to express my thanks and high appreciation of the humanity and kindness which have marked the conduct of Messrs. Dufour and Aubin in the discharge of their professional duties in behalf of these unfortunate men.

I have the honor to be your most obedient servant,

WM. L. DAYTON.

The MINISTER OF THE MARINE, &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 501.]

PARIS, *July* 1, 1864.

SIR : Captain Winslow, of the United States ship Kearsarge, which is yet at Cherbourg, came to Paris some days since with a view, as he informs me, to consult some distinguished oculist residing here. He has been received by the

Americans of Paris with great attention and respect. A dinner, attended by many Americans now here, was given to him and two of his officers on yesterday, which passed off with much eclat. The naval guests have made a most favorable impression on all those with whom they came in contact.

I was yesterday telegraphed by Mr. Pike from the Hague, "Prussian corvette Yeddo is reported arrived in the Weiser."

The newspapers have recently been alleging a sale of these vessels at Bordeaux to Prussia. It may be so.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 597.]

DEPARTMENT OF STATE,

Washington, July 2, 1864.

SIR: I have received your despatch of the 13th of June, No. 488, which informs me of the arrival of the Alabama at Cherbourg, and which is accompanied by the protest you delivered on that occasion to M. Drouyn de l'Huys. This proceeding is approved. I have laid your communication before my colleague, the head of the Navy Department, and I shall be able, before the departure of the mail on Monday next, to give you information of his views in regard to naval demonstrations in European waters.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 598.]

DEPARTMENT OF STATE,

Washington, July 2, 1864.

SIR: Your despatch of the 13th of June, No. 489, has been received, together with the papers annexed to the same. I have submitted to the President the correspondence which has taken place between certain Mexican prisoners of war and yourself, and have the pleasure to inform you that while your reply to these gentlemen is approved, the President is deeply affected by the sentiments of respect and affection for the United States which the Mexican officers have so thoughtfully and eloquently expressed in their communication.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

[Extracts.]

No. 599.]

DEPARTMENT OF STATE,

Washington, July 2, 1864.

SIR: Your despatch of the 17th of June, No. 491, was received and immediately submitted to the Navy Department. I give you a copy of a note which

I have just now received from the Secretary of the Navy, by which it appears that the Iroquois will forthwith go out to strengthen the United States naval forces in European waters.

* * * * *

I approve of your instructions to Captain Winslow. It will be proper for you, nevertheless, while informing M. Drouyn de l'Huys that I do so in a spirit of courtesy towards France, to go further, and inform him that the United States do not admit a right of France to interfere with their ships-of-war at any distance exceeding three miles.

Especially must we disallow a claim of France so to interfere in any conflict that we find it necessary to wage in European waters with piratical vessels like the Alabama, built, armed, manned, and equipped, and received as a belligerent in opposition to our persistent remonstrances to commit depredations on our commerce.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Welles to Mr. Seward.

NAVY DEPARTMENT,
Washington, July 2, 1864.

Sir: I have the honor to acknowledge the receipt of your letter of this date, enclosing a copy of a despatch from Mr. Dayton, United States minister at Paris, on the subject of the insurgent steamer Alabama, and desiring to be informed whether it is the intention of the Navy Department to order to Europe the additional naval force to which Mr. Dayton refers.

In reply, I would state that the United States steamer Niagara, Commodore T. T. Craven, sailed from New York early in June for Antwerp, and orders have to-day been issued for the United States steamer Iroquois, Commander C. R. P. Rodgers, to proceed immediately to Brest.

In advising you of the movements of these steamers, I must be permitted to state, with due deference to the opinions of others, that I cannot see of what advantage their presence in European waters will be. They will be denied access, except at stated periods, to European ports; they can commit no hostile act in them, nor are they allowed to blockade them. Thus they will be of but little service in arresting the course of the rebel privateers, which have every advantage in their favor. Even were it advisable to attempt a blockade of any of the ports, a large force would be required. From actual experience on our own coast we know the difficulty of maintaining a blockade—fifteen or twenty vessels being required in some instances to make it effective. If I mistake not, Mr. Adams, our minister at London, has frequently intimated that the presence of our men-of-war in European waters was only a cause of irritation, and of but little practical benefit.

Very respectfully, &c.,

GIDEON WELLES,
Secretary of the Navy.

HON. WILLIAM H. SEWARD,
Secretary of State.

Mr. Dayton to Mr. Seward.

No. 504.]

PARIS, *July 7, 1864.*

SIR: Yours, No. 565, advising me to inquire of Mr. Carvallo, the minister of Chili at Brussels, if it shall be pretended that the rams now being built at Bor-

deaux have been ordered by Chili, I have received, and shall not fail to act upon it, if it become necessary. But Chili has a minister here, Mr. Rosales, who is my immediate neighbor, and with whom my relations are very good. He was at one time, on the part of Chili, making all necessary inquiries about these vessels, and, if I remember rightly, got the contracts under which they were built, or copies of them, from me. I will have no difficulty in learning from him whatever may or may not be done here for Chili.

But Europe is so disturbed just now that this class of vessels, and vessels-of-war indeed of any kind, may find purchasers. The newspapers assume it as a fact settled, that the two clipper ships which have left, or are about to leave, Bordeaux for Amsterdam have been bought by Prussia. This I hope may be so, but I am by no means sure of it.

In the *Gironde*, published at Bordeaux on the 5th instant, is the communication in the accompanying slip, which I send you as containing the substance of all the newspaper notices on this subject.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

P. S.—Since writing the above, M. Drouyn de l'Huys has assured me that the *Yeddo* has gone into the possession and ownership of Prussia; and that this vessel carries her flag, and has a Prussian crew aboard; which, by the way, he says is against his intention, and in direct violation of Arman's promise to him to deliver this ship to a neutral in the port of Amsterdam. But Arman's misstatements to his own government have been so often repeated that it is difficult to understand how a man of M. Drouyn de l'Huys's sagacity could have permitted himself to be again deceived by him.

D.

[Translation of slip from the *Gironde* of the 5th of July, 1864.]

The following communication relative to the *Yeddo*, a vessel-of-war built by Mr. Arman, has been addressed to us:

BORDEAUX, *July 4, 1864.*

MR. EDITOR: I have just read in the last number of your estimable journal an article concerning the steamer *Yeddo*, which left here on the 22d of June, as it was alleged, for Amsterdam. It is with astonishment that I find you so ill-informed in this matter, for, since Saturday, at least, it has been no longer a secret that the *Yeddo* had arrived at Bremershaven, after a passage of three days, and that she now forms a part of the Prussian navy. We read, in fact, in the *Boersenhalle* of Hamburg, of the 29th of June, as follows: "Arrived at Bremershaven the French corvette the *Yeddo*, Huet, commander, from Bordeaux." And again: "The arrival of the French steam corvette the *Yeddo*, Huet, commander, at Bremershaven, is signalized to us; this vessel has displayed, since her arrival in port, the Prussian colors." All the newspapers, including the *Gironde*, speak of two vessels-of-war bought by Prussia in France, and expected shortly in one of the German ports of the North Sea. These vessels were to bear the names of *Augusta* and *Victoria*; one of them, therefore, has already arrived, and is of course the *Yeddo*, which will receive the name of *Augusta*. The other vessel, intended to be baptized *Victoria*, is the *Osacca*, not yet finished at Bordeaux, but which will go to sea in a few days.

These two vessels, destined originally for the confederates of America, were acquired by Prussia about two months ago. At that time there were two

officers of the Prussian navy at Bordeaux, who purchased them of Mr. Arman, the builder. It seems that the building of vessels-of-war by Mr. Arman has been very satisfactory to the Prussian officers, and it is certain that Mr. Arman has received heavy orders from the Prussian government. Assuredly the fact that Mr. Arman has for a week been at Berlin will not negative this assertion.

Accept, &c.,

SOLBET

Mr. Dayton to Mr. Seward.

No. 505.]

PARIS, July 8, 1864.

SIR: Your despatch, No. 585, in reference to the movements of the Japanese ambassadors, and the completion in the United States of the ships-of-war for Japan, was duly received. I believe you are already apprised of the fact that the ambassadors have unexpectedly returned to their own country, and that they will not at present visit the United States. There is no necessity, therefore, to ascertain their number with a view of preparing sufficient and proper accommodations for them on their return, as requested in Mr. Weed's letter. M. Drouyn de l'Huys informs me that their sudden return was unexpected to him, as he was informed, when they came, that after visiting France they would go to England, and thence to other countries. Their immediate return to Japan must have been equally unexpected to their own government, for since their departure their government has sent, through our consul at Kanagawa, to my care, as I am informed, *for them*, five boxes and one parcel, which arrived at Marseilles two or three days after they left that port. I have directed our consul at Marseilles to retain possession of the boxes, &c., until he can receive further instructions from Japan.

I am, sir, your obedient servant,

WM. L. DAYTON.

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 506.]

PARIS, July 8, 1864.

SIR: When thanking M. Drouyn de l'Huys, as directed in your despatch, No. 584, for the conciliating counsel given by this government in the difficulty between Spain and Peru, he took occasion to say that he did not think Spain was disposed to press any unjust claim or demand against Peru; that she asked only a disavowal of one or two acts or wrongs, and she would at once abandon the Chincha islands and enter into friendly negotiations again. M. Drouyn de l'Huys did not clearly explain, or at least I did not clearly understand, the extent and scope of those acts the disavowal of which was demanded. He seemed, however, to be impressed with the idea that the controversy between the two countries was susceptible of settlement without serious difficulty.

I am, sir, your obedient servant,

WM. L. DAYTON.

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 507.]

PARIS, *July 8, 1864.*

A copy of the despatch of Mr. Mansfield to your department, dated 10th of February last, was transmitted by me, according to instructions to the minister of foreign affairs, as stating more explicitly the character of injury suffered by Mr. Mansfield, and the reparations demanded.

Herewith I transmit to you a translation of M. Drouyn de l'Huys's answer to his and your last communication.

I am, sir, your obedient servant,

WM. L. DAYTON.

HON. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Drouyn de l'Huys to M. Dayton.

[Translation.]

Memorandum.

JULY, 1864.

The minister of foreign affairs of the Emperor has examined the letter of Mr. Mansfield to Mr. Seward, which M. the minister of the United States has been pleased to communicate to him. This paper has enabled M. Drouyn de l'Huys to account better than he had been able to do up to the present time, in the absence of all information of the occurrence relative to M. the consul of the United States at Tabasco. It appears from it that Mr. Mansfield, without valid reasons, and simply in consequence of false imputations, has been taken from his consulate, imprisoned, and maltreated; and that, though at the time he was writing he had been permitted to return to his consulate, still he was not permitted to go away from it, nor to resume his official functions, nor to put himself in relations with his fellow-countrymen.

The proceedings of which Mr. Mansfield complains have, without any doubt, a most regrettable character, since this agent engages his word that nothing in his conduct, nor in his language, has been of a nature to justify them.

M. Drouyn de l'Huys congratulates himself, however, upon learning that the first information which was given to him by Mr. Dayton is not confirmed; and that it is not at Vera Cruz, as was at first supposed, that the American consul, after having been sent there, had been shut up and condemned to one year's imprisonment. If, indeed, this had been so, it would very probably have been for the French authorities to furnish the explanations which the measures taken, apparently, if not by themselves, at least with their assent, admit of. It appears, on the contrary, from the despatch of Mr. Mansfield, that he has not quitted Tabasco, and that it is solely from the authorities of this city that an account is to be asked for the proceedings of which he has been the object. But these authorities were Mexican; they were not constituted with the concurrence of the French forces, who have not occupied Tabasco, and they do not act with their support. No participation in their acts could then be ascribed to these latter, who, if they have momentarily shown themselves at Tabasco, (of which the government of the Emperor is as yet ignorant,) have never established themselves there, and have never been able to intervene in any manner whatever in the events of this locality. Hence it does not appertain to the government of the Emperor to judge of the facts which have taken place there; much less can it be responsible for acts emanating from an authority, more or less regular, over which it has exercised no control. It can only deplore the

acts of violence with which the accused Mexicans are reproached, and it is not to be wondered at; moreover, that at a point where internal struggles still continue, one of these illegalities should occur—one of these violations of international law of which Mexico has so sadly multiplied examples for a number of years past. This is the fruit of the anarchy to which this country has so long been a prey, and a reason for every one to wish the establishment and consolidation of a more moral and a stronger government.

There is reason to think, moreover, that the position of Mr. Mansfield must have changed a short time after the period at which he wrote, for the Mexican chiefs who at that date, that is to say, in the month of February last, occupied Tabasco, were no longer there in the month of May, having evacuated the place. Whatever the case may be, and although the French consul at Vera Cruz has evidently not been able, up to the present time, to transmit the information upon this affair which had been asked of him, the minister of the Emperor, at Mexico, will be written to again concerning it, as he will be requested to proceed as far as shall lie in his power to an inquiry into this regrettable occurrence.

Mr. Seward to Mr. Dayton.

No. 601.]

DEPARTMENT OF STATE,

Washington, July 8, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch of the 20th of June, No. 492.

I thank you sincerely for the very interesting and detailed account which you have given me of the engagement between the Kearsarge and the Alabama, which ended in the destruction of that troublesome piratical vessel.

I approve of all that you have done in relation to that affair, and especially of your instructions to Captain Winslow in regard to the captured crew of the Alabama. This government regards with eminent satisfaction the heroism and skill which were exhibited by Captain Winslow, and the officers and men under his command, and the whole country awards to them tributes of praise and gratitude.

Nevertheless we hear, with deep regret, that Captain Winslow, without waiting for your reply to his inquiries on the subject, paroled and released most of the prisoners which fell into his hands. The President's disapproval of that important proceeding will be made known to the captain through the Navy Department. It will be your duty to inform M. Drouyn de l'Huys of that disapproval in order to prevent injurious inferences which otherwise might be drawn from the transaction. You will at the same time inform M. Drouyn de l'Huys that this government does not regard the Alabama, nor any other vessel wearing the same character, as belonging to a recognized or lawful belligerent.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 602.]

DEPARTMENT OF STATE,

Washington, July 11, 1864.

SIR: Your despatch of June 22, No. 493, has been received. I have communicated to the Secretary of the Navy the information it contains concerning the naval engagement between the Kearsarge and the Alabama.

I have also imparted that information in preparing an instruction to Mr. Adams for a representation which he is expected to submit to the British government. I give you confidentially a copy of that instruction.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 603.]

DEPARTMENT OF STATE,
Washington, July 11, 1864.

SIR: Your despatch of the 24th of June, No. 495, has been received. It gives me information that the Yedo sailed on the 23d of June, under the French flag for Amsterdam. Although I confide in M. Drouyn de l'Huys's assurances of the good faith of the French government in regard to the sale and departure of that vessel, I shall nevertheless feel much solicitude until I hear of her arrival at her alleged destination. I trust that, before any new surprise can be encountered in Europe, the Niagara and the Iroquois will be in European waters, and I cannot doubt that their crews, together with the Kearsarge, will be sufficient to protect our interest in that region. I thank you for the information you have given me concerning the tone of the government press of France in regard to the naval engagement which resulted in the destruction of the Alabama. It is unpleasant to have such a demonstration that those who desire to enjoy the imperial confidence think it not inexpedient to manifest an unfriendly spirit towards our country. We shall, however, be none the less wise, and therefore none the less safe, because we know who in European society are to be regarded as our friends.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 604.]

DEPARTMENT OF STATE,
Washington, July 12, 1864

SIR: I have to acknowledge the receipt of your despatch of the 24th ultimo, No. 494, relative to the case of Mr. J. H. Mansfield, our consul at Tabasco, and to express my approval of your proceedings therein related. You will urge upon the minister for foreign affairs the importance attached by this government to prompt explanations concerning so serious a matter.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 508.]

PARIS, July 13, 1864.

SIR: In answer to your question contained in despatch No. 594, as to whether it is advisable to send another ship-of-war into European waters, I would say, that it should be determined by the condition of things, or, in other words, the military wants at home.

While a heavy ship-of-war, furnished with the new armaments and improvements with which our ships are now generally constructed, is never without use in European waters, adding as it does to our prestige, and opening the eyes of foreigners to the maritime strength of our country, yet I am bound to say that I do not see any necessity, at the present moment, for an increase of force in European waters. Our force is already much beyond what it has been at any time heretofore, since my arrival in Europe, while the force of the confederates, so far as I know, is less. We have now the Niagara cruising in the channel, the Sacramento at the port of Cherbourg, and the Kearsarge now off Dover. The confederate force, so far as we have *reliable* information, is nothing. The destruction of the Alabama has much changed the condition of things here. The Rappahannock is yet detained in the port of Calais. She has been seized, and if information from our consular agent at the port of Boulogne be reliable, the vessel is about to be sold, under some judicial proceedings, for certain debts or expenses of the captain.

It is said that a new confederate vessel (the Robert Lee) is expected in European waters at an early day, but of this vessel I have no knowledge whatever. I can add nothing of importance to what has been said heretofore, in respect to these remaining corvettes in the course of construction at Bordeaux and Nantes. As the Yeddo has in good faith (so far, at least, as we are concerned) gone to a neutral power, (Prussia,) we may have a reasonable hope, at least, that the Osacca will follow in due time. But I do not mean to depreciate at all the general importance of having a naval force in these waters as weighing upon the question of a disposition or otherwise to interfere in our affairs. The Dictator, for instance, might exercise a most useful *influence*, without there being occasion for military force here.

I would add here that, in a conversation had yesterday with your secret agent, he informed me that all the confederate naval officers had been ordered home, and that nine of them left for Halifax by the Cunard line last week, and others are to follow by instalments. Some of those leaving last week, he says, carried despatches. He adds that from one hundred to one hundred and fifty of them have been scattered through England and France. He tells me that they now admit that they have been foiled in all their purposes in respect to getting vessels out of France. Of the value or reliability of this information you can judge quite as well as I.

He informs me, further, that some of the officers from the Rappahannock went down to Cherbourg, prior to the fight between the Alabama and Kearsarge, with a view to take part with the Alabama, but the French authorities would not permit them to go on board. Of this I have no doubt.

Your telegram to me in *cipher* was duly received, and after a great search the office copy of the cipher was found, or at least enough of it to enable me to read your telegram, and send it, as you request, to Mr. Pike.

The last despatch in *cipher* from this office, which I found, is in the days of Mr. Crawford, about fifty years ago. Despatches in cipher from your department, may, perhaps, be found among the records of a later date, though I have seen none.

Attached hereto is an item cut from this morning's *Galignani*. The facts stated I have referred to in this despatch.

I am, sir, your obedient servant,

WM. L. DAYTON.

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

[From Galignani]

A letter from Calais states that the confederate vessel the *Rappahannock*, at present in that port, lately had a judgment pronounced against her by the Chamber of Commerce of Boulogne, for commercial debts of the captain. It appears that when the huissier, charged to affix the notice of sale, made his appearance on board the vessel, the captain warned him off without delay, as no such errand should be performed there. The huissier had nothing else to do but to retire, and draw up a proces-verbal of the circumstance.

The *Vigre de Cherbourg* announces that the confederate vessel *General Lee* has received orders to be in the channel by the 15th instant.

Mr. Dayton to Mr. Seward.

[Extract.]

No. 510.]

PARIS, July 13, 1864.

SIR: Your despatch, No. 592, refers to a prior despatch of mine, No. 486, in which I state that a private communication had reached me, stating that a new but entirely unofficial effort was to be made by England and France to bring our war to a close. I know of nothing which could specially lead to such a belief; but the party who made the statement I know to be in constant communication with the government here, and even with M. Drouyn de l'Huys, and he gave me the statement, not as a rumor, but as a fact entirely reliable. He said at the same time that should I speak to M. Drouyn de l'Huys on the subject, he would deny all knowledge of it; as well he might, having no official knowledge of it, and no official action being in the first place contemplated.

* * * * *

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 511.]

PARIS, July 14, 1864.

SIR: I have the honor to enclose herewith a translation of a communication just received from the French minister of the marine and the colonies, being an acknowledgment of the receipt of my note of thanks to Messrs. Dufour and Aubin; surgeons at the navy hospital at Cherbourg, for their kindness to our sailors after the late fight between the Kearsarge and the Alabama.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

M. P. de Chasseloup-Laubat to Mr. Dayton.

[Translation.]

DEPARTMENT OF THE MARINE AND THE COLONIES,
Paris, July 7, 1864.

MONSIEUR LE MINISTRE: I received the letter which you did me the honor to write to me on the 29th of June last, on account of the care given at the navy hospital at Cherbourg to the American sailors who were wounded in the fight between the Kearsarge and the Alabama.

According to your desire I have taken true pleasure in transmitting to Messrs. Dufour and Aubin, surgeons of the imperial navy, the thanks which you have been pleased to address me in the name of the government of the United States, begging me to extend them to these gentlemen.

Accept, Monsieur le Ministre, the assurance of my high consideration,

Ministre, Secretary of State, of the Navy, and of the Colonies,

P. DE CHASSELOUP-LAUBAT.

The MINISTER of the United States, at Paris.

Mr. Dayton to Mr. Seward.

No. 512.]

PARIS, July 15, 1864.

SIR: I send you two slips, one cut from *Galvani* of this morning, and the other from *La France*, merely to illustrate the mode in which the secessionists and their sympathizing friends try to keep up the idea in the European mind that they yet have the means and are ready to meet the United States even on the sea. The result of the fight between the *Kearsarge* and the *Alabama* was a hard blow, not to secession alone, but to the pride and vanity of Englishmen, and especially to English ship-builders. In every mode possible they seek to break their fall. It is scarcely necessary to say that the *Florida* and *Kearsarge* have not met, and that the above slip which makes the statement is entirely false. My son has received a letter from one of the officers of the *Kearsarge*, dated the 14th instant, the day after the pretended fight. The ship was then, and I presume is now, at Dover.

I have no knowledge, as I have heretofore written you, of the *Robert Lee*, referred to in the other slip, and am equally ignorant of any confederate corvette passing through the straits of Gibraltar. If I had known such vessels to exist I should have written to you otherwise than I did in despatch No. 508.

In that event additional force might be needed in European waters. The old sailing ship *St. Louis*, which, with a large crew, has been drifting so long about the Mediterranean, would be in an unsafe condition if a modern built confederate steamship, heavily armed, should get into those waters. By the way, it would seem to me that a steamship might be advantageously substituted for that vessel. A steamer with an armament of modern description, and *half the crew* of the *St. Louis*, would be much more serviceable, and if a good sailer, I suppose less expensive. The other half of the crew could be, I should think, much more useful on vessels at home; at least, such is the opinion of some officers with whom I have consulted.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

"SOUTHAMPTON, 14th.—Intelligence has arrived here that an engagement took place yesterday near Jersey between the federal corvette *Kearsarge* and the confederate steamer *Florida*. The *Kearsarge*, being much injured, was obliged to take refuge in a neighboring port. The *Florida* remains outside, ready to renew the engagement."

"SUEZ, 14th.—According to accounts from Bombay to the 24th ultimo, the Emir of Caboul has defeated Afza-Khan in a grand battle fought near Bavncea."

The France says: "The federal corvette *Sacramento* left Cherbourg yesterday morning, and steered to the westward. She has, it is said, arranged to meet the *Niagara*, a frigate of the same nation. On the other hand, the *General Lee*,

a confederate frigate, left the Azores a few days since, after having taken in water and provisions. A confederate corvette has also passed through the straits of Gibraltar. A report is current that a challenge has been exchanged between the officers of the northern and southern vessels to regulate the conditions of a fresh combat to take place in about ten days, and in which a frigate and a corvette of each nation is to be engaged. The fight is proposed to come off nine or ten miles from Cherbourg."

The Lafayette, the second steamer of the Transatlantic Company, has just arrived at Havre from Greenock, where she had been constructed. She is in every point similar to the Washington, the other vessel of the same company, and will start on her first passage to New York on the 24th August.

Mr. Seward to Mr. Dayton.

No. 607.]

DEPARTMENT OF STATE,
Washington, July 16, 1864.

SIR: Your despatch of June 26, No. 496, has been received. Your proceedings in relation to the new French steamship line are cordially approved. I am not aware that the vessel of that line just despatched from Havre has arrived at New York. Measures will be adopted to have your suggestions about her reception carried out in the commercial metropolis, and her officers will receive a courteous welcome if they come to this capital.

I am not inattentive to the indication of a hostile disposition indulged by the government party in France against the United States. It is, however, as wise as it is honorable to our national character to treat France frankly and courteously in all our intercourse. Nor do I now apprehend any serious complications of our relations with that government or with the government of Great Britain.

European questions have become too critical to allow active hostilities against us at present. Our civil war has had the effect of developing political and martial forces here which are sufficient to arrest the attention of statesmen, however unwillingly, in foreign countries. We may not unreasonably believe that we are approaching the end of revolutionary war. And it is hardly less probable that France and Great Britain are now not so far from the verge of that abyss as to allow them to be reckless of our rights.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 608.]

DEPARTMENT OF STATE,
Washington, July 16, 1864.

SIR: I have to acknowledge the receipt of your despatch of June 30, No. 499, communicating a copy of a letter addressed by you to the minister of marine, expressing your thanks and appreciation of the kindness and attention shown to the wounded at Cherbourg by the surgeon at the naval hospital at that port.

You are instructed to say to the minister of marine that your proceedings in the matter are approved by this government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 609.]

DEPARTMENT OF STATE,
Washington, July 16, 1864.

SIR: I have to acknowledge with much appreciation, the receipt of your despatch of the 29th of June, No. 497, communicating a translation of a letter received by your son from M. Dufour, surgeon-in-chief of the government hospital at Cherbourg.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 611.]

DEPARTMENT OF STATE,
Washington, July 18, 1864.

SIR: I have to acknowledge with much satisfaction the receipt of your despatch of the 1st of July, No. 501, in which you inform me that Captain Winslow, of the United States ship Kearsarge, had arrived at Paris, with a view, as he stated, to consult some distinguished oculist residing there; that he was received by the Americans in that city with great attention and respect; that a dinner, attended by many Americans, was given to him and two of his officers who accompanied him, on the 30th ultimo, which passed off with much eclat; that on the latter date you were telegraphed by Mr. Pike, from the Hague, as follows:

"Prussian corvette the Yeddo is reported arrived in the Weser, and that the newspapers have been recently alleging a sale of those vessels at Bordeaux to Prussia."

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 515.]

PARIS, *July 18, 1864.*

SIR: Herewith I beg to enclose to you the translation of a note received from M. Drouyn de l'Huys in reference to the complaint by Mr. Chase, our consul at Tampico.

This note, like some others that M. Drouyn de l'Huys has written to me, is unsigned, and a mere substitute for an informal verbal communication, but, being in writing, is the more satisfactory as the less liable to be misunderstood.

Our consul in this case may be, and doubtless is, right in his complaint of rudeness on the part of French officials, but it does seem to me he would have shown more judgment if he had accepted the offered withdrawal of the notes complained of (which was an implied apology) rather than made this rudeness the subject of a serious diplomatic correspondence.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

[Translation.]

*M. Drouyn de l'Huys to Mr. Dayton.**Memorandum.—July, 1864.*

The minister of foreign affairs of the Emperor has examined the two despatches of the American consul at Tampico, relative to the threats of imprisonment to which he has been subjected, despatches which M. the minister of the United States has been directed to communicate to the government of his Majesty. It is not possible to answer Mr. Dayton definitively upon this subject before receiving the explanations requested of the commandant-in-chief of the French forces in Mexico. The attentive perusal of the second despatch of Mr. Chase cannot fail, however, to suggest to M. Drouyn de l'Huys some reflections, which it seems to him proper to offer at once to M. the minister of the United States. The circumstantial details given in regard to this affair by the American consul in his last report are in effect of a nature to lessen very much its gravity.

According to the declaration of Mr. Chase himself, he had already in his hands the two letters of the superior commandant of Tampico, which now cause his demand for satisfaction when he went to this officer to represent to him that he could not answer for the good conduct of any one who might enter Tampico.

The commandant excused himself for having written as he had done, in alleging that he had been led into it by the alarming rumors which were at that time in circulation.

A short time afterwards Mr. Chase made a second visit to this same officer, to present, with a view to preventing any disquieting remarks, the captain of an American ship-of-war which had arrived, in the mean time, at Tampico.

The incident seemed then completely void, when the French commandant learnt from the manager of the imperial consulate that Mr. Chase, having re-read his second note, had manifested an extreme dissatisfaction with it. The commandant of Tampico hastened then to send back the French agent to the American consul to offer to withdraw the letters by which he felt himself wounded. Mr. Chase answered to this offer by requiring written apologies, in order to transmit them to his government, and the French officer refused them.

These are the facts, as Mr. Chase himself states them. Now it appears from this recital that the misdoings of the superior commandant of Tampico would consist in having written to the American consul in terms assuredly much to be regretted, but that he hastened, upon learning the impression which they had made upon this consul, to offer him spontaneously the withdrawal of his notes. He no doubt thought that would suffice Mr. Chase, since the two visits of the latter did not allow him to suspect the importance which the incident might take in the eyes of this agent. It is not to be admitted for an instant, as the latter gives it to be understood, that it was the appearance of a federal ship which brought the commandant of Tampico to the more correct proceedings, for he had, before the arrival of this vessel, very courteously received the observations of Mr. Chase, and, to speak the truth, it is rather singular that it was only after the satisfactory explanations exchanged and after a second visit to the French officer, in order to present to him the federal captain, that Mr. Chase thought it useful to re-read more attentively, or to cause to be more faithfully translated, a note of six lines which had been the cause of all his previous proceedings.

So, by the very terms of the despatches of the consul of the United States, if there were for a moment a fault in the proceedings on the part of the superior commandant of Tampico, this officer seems to have wished, by his after conduct, to have effaced its impressions upon Mr. Chase.

Mr. Dayton to Mr. Seward.

No. 517.]

PARIS, July 20, 1864.

SIR: Herewith I enclose the copy of a late note from Mr. de la Montagnie, our consul at Nantes, in reference to the vessels building at that port.

He seems to think that a man named Hansarson, who has been a rebel agent, as supposed, at that port, has yet charge of those vessels, and the inference consequently is, that the rebels yet hold their interest and control in and over those two clipper ships building there. These you will remember are not the iron-clads.

I am, sir, your obedient servant,

WM L. DAYTON.

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. John de la Montagnie to Mr. Dayton.

No. 41.]

CONSULATE OF THE UNITED STATES,
Nantes, July 14, 1864.

SIR: Since my last communication which I had the honor of addressing, July 2, I have to report: On Tuesday of this week (July 12) I went to St. Nazaire, hoping to learn something about the rebel ships there. If Mr. Bourcard was correct in saying that Hansarson, the rebel agent, was not in command at the time, such is no longer true, for he is again in control. Still the number of workmen is limited, and little progress has been made since my last report. I continue of the opinion that they cannot be finished before the close of August.

I learned yesterday, from a respectable source, that Prussian and Peruvian agents had applied to purchase these ships, but the rebel agents had declined the sale.

Application was made some time ago by Prussian agents to a gentleman in St. Nazaire for the purchase of the Shooting Star, an American ship then in port. The price was too large and the transaction failed.

I am, sir, very respectfully, your obedient servant,

JOHN DE LA MONTAGNIE.

HON. WILLIAM L. DAYTON,
United States Minister, Paris.

Mr. Seward to Mr. Dayton.

No. 616.]

DEPARTMENT OF STATE,
Washington, July 28, 1864.

SIR: Your despatch of the 8th of July, No. 507, which is accompanied by a memorandum from M. Drouyn de l'Huys, concerning the case of James H. Mansfield, United States consul at Tabasco, has been received.

The spirit of that paper is highly honorable to the Emperor's government. I suspend a consideration of the explanations until the further examination which the minister for foreign affairs has promised shall result in some certainty, as to the question whether the wrongs committed against Mr. Mansfield were exclusively the acts of Mexicans, or were directed or participated in by the French military authorities intervening in Mexico. If the former supposition shall prove correct, it will be a plain duty to desist from further representation in the matter to the French government, and to acknowledge the frankness with which M. Drouyn de l'Huys has conducted his inquiries in the case.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

[Extract]

No. 618.]

DEPARTMENT OF STATE,
Washington, July 28, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch of the 15th of July, No. 513, together with the copy of a confidential memorandum from M. Drouyn de l'Huys, on the subject of the imprisonment of Mr. Mansfield, United States consul at Tabasco. It gives me very sincere pleasure to acknowledge the delicacy and good feeling which M. Drouyn de l'Huys has shown in making me acquainted with a view of Mr. Mansfield's conduct entirely at variance with the reports from him upon which my representations to the imperial government in his case were based. * * * *

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 619.]

DEPARTMENT OF STATE,
Washington, July 28, 1864.

SIR: Your despatch of the 15th of July, No. 512, has been received, and its contents have been communicated to the Secretary of the Navy. The weight of information which has been received here favors a belief that the insurgent agents in Europe have become convinced of their failure to build or buy and set up in Europe a navy to break our blockade and revolutionize this government. A few weeks, if not days, will verify this conclusion, if it is correct, and in the mean time our forces now in European waters will, if properly displayed, save us from any unlooked for naval accident there.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 620.]

DEPARTMENT OF STATE,
Washington, July 29, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch of the 8th of July, No. 506. You will please assure M. Drouyn de l'Huys that the President appreciates highly the frankness and the good will with which the Emperor's government has received the proceedings of this government, in attempting to prevent a permanent alienation between Spain and Peru.

I give you a copy of my latest despatch to Mr. Koerner for your information concerning our views of the present condition of that interesting question.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 621.]

DEPARTMENT OF STATE,
Washington, July 30, 1864.

SIR: I have your despatch of the 13th of July, No. 510, which recalls the report of an intended new design on the part of the Emperor of the French to

propose mediation in our civil war. I approve of the reticence you have practiced on the subject in your communication with M. Drouyn de l'Huys, and of the reasons you assign for that reserve. I have only to say upon the subject itself, that any such proceeding would meet with a prompt and decided answer from the United States. The principal of foreign mediation in our affairs cannot be, in any form or under any circumstances, admitted. You will make this explanation, or refrain from making it, in the exercise of your own discretion. But when you find it necessary to speak upon pretensions of mediation in any quarter, you will be expected to speak not doubtfully in the sense in which I have written.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 628.]

DEPARTMENT OF STATE,

Washington, August 8, 1864.

SIR: I have received your despatch of the 18th of July, No. 515, which gives me your views of the complaint of Mr. Chase, United States consul at Tampico, concerning certain notes addressed to him by a French officer on the entrance of a French military force at that place. Your despatch is accompanied by a memorandum concerning the case which M. Drouyn de l'Huys has committed to you for the information of this government.

This memorandum is written in a candid and liberal spirit, and induces an expectation that, when the minister for foreign affairs shall have received the explanations which he has asked from the military authorities, he will relieve the case of all its gravity, by showing us that the French officer addressed his offensive notes to the consul, without proper consideration of the respect due to that officer as an agent of the United States, and that the rudeness of the note is disapproved by his Imperial Majesty's government. I freely admit that I concur with you in the opinion that Mr. Chase might, with entire propriety, have consented to the proposed withdrawal of the note of which he complains; and I regret that he did not do so. You are quite at liberty to communicate this opinion of mine to M. Drouyn de l'Huys. This government attaches only as much importance to ceremonial questions as the prevailing state of public sentiment on this class of national issues requires. It has no desire to lift them to the dignity of diplomatic debate.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 629.]

DEPARTMENT OF STATE,

Washington, August 8, 1864.

SIR: I have your despatch of the 20th of July, No. 517, together with its accompaniments, namely: a note which was addressed to you by our excellent consul at Nantes, Mr. de la Montagnie, concerning the two clipper ships which are being built at that port.

The circumspection and vigilance which the consul practices are deemed worthy of very high commendation, and the information he gives is regarded as

meriting attention. At the same time I am so much impressed with the good faith and directness which have been manifested by M. Drouyn de l'Huys, that I feel quite sure that he will at all times promptly answer any inquiries you may find it necessary to make concerning the vessels in question. In the last extremity the naval force now in European waters ought to be ready to capture or destroy them, and I therefore hope that you will take care that the naval commanders are kept well informed.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 520.]

PARIS, August 9, 1846.

SIR : I have the honor to report to you the arrival of the American war steamer Iroquois at Brest on the 29th of July last. Captain Rogers immediately communicated his presence in French waters, and asked for counsel or instructions. I had in fact none to give. He said he would leave Brest on Monday last, and I presume he did so. He has gone in search, I think, of the Kearsarge, with which vessel, for certain purposes, he desires to communicate.

I am much gratified to learn from your despatch, No. 601, that my conduct in reference to all my late proceedings, in respect to the Alabama and Kearsarge, are approved.

The Emperor and officers of the government are generally out of town, and M. Drouyn de l'Huys has been so likewise.

On two of the late reception days for business at the Foreign Office, we have had notice that the diplomatic corps would not be received. This is, therefore, a slack season for business.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 635.]

DEPARTMENT OF STATE,

Washington, August 18, 1864.

SIR : I enclose for your information a copy of a letter which I have received from his excellency Frederick F. Low, governor of California, relative to the rumor there that Mr. William M. Gwin is to be minister of finance under the new government of Mexico, and also concerning the supposed policy of the Emperor of France in regard to indemnity for the expenses of the war.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Governor Low to Mr. Seward.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,

Sacramento, July 18, 1864.

SIR : I beg to acknowledge the receipt of your letter of 20th June, enclosing copy of an extract from a letter received by you from Paris, giving information concerning the movements of Mr. William M. Gwin.

There is a rumor here that Gwin is to be minister of finance under the new government of Mexico, but I cannot vouch for the correctness of the report. My impressions are that the Emperor of France will require indemnity for the expenses of the war, and in the absence of any revenue which could be applied to that purpose, he will demand and receive from Maximilian certain territory which will comprise the States of Sonora and Sinaloa, probably in lieu of a money consideration.

Gwin has probably been sent as an emissary to shape the public mind for such a state of things. In any event, the ports in the gulf of California will most likely be a sort of rendezvous for plotters of treason, bearing a similar relation to the Pacific coast that Nassau does to the Atlantic.

The Mexican question is one that is of especial importance to the people of this State, and for any information concerning it, which you may think proper to communicate to me, I would feel especially obliged.

I have the honor to be your obedient servant,

FREDERICK F. LOW.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Dayton to Mr. Seward.

No. 521.]

PARIS, August 19, 1864.

SIR: M. Drouyn de l'Huys recently made complaint to me of the conduct of Commodore Craven, of the United States ship Niagara, that when off the port of Cherbourg he failed in discharge of certain courtesies or international civilities due to the French flag, a copy of which letter of complaint is hereunto attached. I immediately addressed a note to the commodore then at Flushing to learn his view of the question, and the reasons he would assign for this conduct, to which I received a prompt answer. A copy of this answer has been by me attached to a note from myself, forwarded to M. Drouyn de l'Huys. A copy of this correspondence is hereunto attached.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

M. Drouyn de l'Huys to Mr. Dayton.

[Translation.]

Memorandum.

The minister of foreign affairs of the Emperor has the honor to bring the following facts to the knowledge of M. the minister of the United States. The 6th of this month the federal frigate Niagara arrived in view of Cherbourg. A pilot-boat, as is usual, went alongside to offer her its services for entering into the harbor. Although the commander of the Niagara had not, as it seems, the intention to anchor at Cherbourg, the pilot was retained on the frigate, and a short time afterwards was sent to take an officer on board the federal corvette Sacramento, which had been in free pratique for several days, and was consequently in constant communication with the shore. This officer was afterwards taken back by the same pilot to the frigate Niagara with the captain of the Sacramento, and the American vice-consul, M. Liais. The two latter, after hav-

ing remained some time upon the frigate, re-embarked in the pilot-boat to return into the harbor. At the moment when they left the Niagara, which was then near the pass between Fort Chaougnac and that on the end of the breakwater, that is to say, in French waters, the American vice-consul was saluted with seven guns, without any salute being paid either before or afterwards to the French flag.

M. the minister of the United States will recognize how much there is incorrect and much to be regretted in this manner of proceeding.

In communicating with the harbor without making the entry, that is to say, without having his bill of health examined, and without any authorization, the commander of the Niagara, in the first place, violated the sanitary regulations. After this first fault, aggravated still more by this circumstance, of sending an officer on board of the Sacramento, which had obtained free pratique, and was thus in constant relation with the shore, the commander of the Niagara has been wanting in the simplest proprieties in firing cannon within range of the French forts without having previously saluted the French flag. Things passed in such a manner that the guardship, charged to see to the observance of the sanitary regulations at Cherbourg, was able only at the last moment to remark their breach, and was obliged to confine itself to sending out to the boat which was bringing back the American vice-consul and the captain to the Sacramento a boat commanded by an officer, to bring to their notice the serious irregularity of which they had just been guilty.

The repetition of similar incidents, which constitute at once an offence against international usages, and a forgetfulness of the regards due to the French flag and to the French authorities, would risk compromising the good relations which these latter are desirous of entertaining with the American officers; and the government of the Emperor, if it was not assured (*assuré*) that they would not be renewed, might be led to interdict entrance into its ports to vessels which would act as the Niagara has done. The minister of foreign affairs of his Majesty hopes, consequently, that M. the minister of the United States will be pleased to address to the American vice-consul at Cherbourg the blame which he has incurred, and to the commander of the federal navy the observations which the irregularities admit of—only the more difficult to pass over in silence since they have already occurred several times, although we have abstained from noticing them on every occasion.

Mr. Dayton to Captain Craven.

PARIS, July 27, 1864.

SIR: I have received a memorandum or "note verbale," as he calls it, from M. Drouyn de l'Huys, the French minister of foreign affairs, calling my attention to the fact, that on the 6th of this month the Niagara appeared off the port of Cherbourg, and although you did not enter that port or intend to do so, you took a pilot and afterwards sent him with an officer to the Sacramento, which was regularly in harbor. That this pilot-boat shortly returned on board the Niagara, bringing the captain of the Sacramento and Mr. Liais, our vice-consul, who, after remaining on board some time, left. Upon leaving they were saluted by the Niagara with seven cannon, without any salute having been fired to the French flag. He says this was done while in French waters between Fort Chaougnac and the fort at the end of the breakwater. M. Drouyn de l'Huys informs me that a recurrence of these incidents will risk compromising the good relations they are anxious to entertain with the federal officers, and the government of the Emperor, if it was not sure (*assuré*) they would not occur again,

might be led to forbid entrance into their harbors to vessels which would act as the Niagara has done,

He complains that such irregularities have occurred before, &c., &c.

I give you thus the body of his complaint. I am satisfied that you have not wilfully been wanting in any courtesy due from you as a naval officer, or been guilty of any international disrespect towards the French flag. But it is important that our relations with France be kept on the best footing possible, and I should wish to know what view you take of this complaint, and what answer you make to it, before I myself see or write to the minister of foreign affairs on the subject.

With much respect, yours truly,

WM. L. DAYTON.

Captain CRAVEN, *U. S. Steamship Niagara.*

Commodore Craven to Mr. Dayton.

UNITED STATES SHIP NIAGARA,
Antwerp, July 28, 1864.

SIR: I have the honor to acknowledge the receipt of your letter of yesterday's date, and in answer to the complaint of Monsieur Drouyn de l'Huys have to state that the Niagara did appear off the port of Cherbourg on the 6th of this month, where, discovering the United States ship Sacramento at anchor inside the breakwater, I naturally desired to communicate with her, and was about lowering one of our boats to send into the harbor, when a French pilot came alongside and volunteered to take the officer detailed for that purpose in his boat; as it appeared that much time would be saved, the offer was thankfully accepted. Lieut. Phoenix, the officer detailed for this duty, after remaining on board the Sacramento a few minutes, returned in a small boat, bringing with him the commander of the Sacramento, Captain Walke, the American vice-consul, and the French pilot. When the boat left his ship, conveying Captain Walke, the vice-consul, and the pilot, a salute of seven guns was fired to the consul. At the moment it did not seem to me that there was the least impropriety in this proceeding; and, as I am sure that there was no wish or thought to do aught which might be construed as a slight or breach of etiquette towards a nation so universally esteemed and respected by our own countrymen, I regret, most sincerely, that any inadvertent act of mine should be entertained as an offence. Since reading your letter and considering the matter fairly, I must confess that a breach of etiquette was, under the circumstances, committed—a salute should have been first fired to the French flag; but being outside of the harbor, the omission did not for a moment present itself to me. I have, therefore, to beg that you will present Monsieur Drouyn de l'Huys, in the strongest language possible, my profound regrets for this neglect to salute his flag, an act which I trust he will have the magnanimity to perceive was one of inadvertency alone.

In a few days I may again pass in the vicinity of Cherbourg, and shall, with great pleasure, if near enough, salute their flag.

In conclusion, I beg leave to add that Captain Walke, in speaking of his visit to Cherbourg, alluded with great feeling to the very civil and friendly manner in which he was welcomed and received by the people and officers of his Majesty the Emperor's government.

Very respectfully, your obedient servant,

THOMAS T. CRAVEN,

Commander United States Navy.

His Excellency WILLIAM L. DAYTON,

Envoy Extraordinary, &c., &c., Paris.

Mr. Dayton to M. Drouyn de l'Huys.

PARIS, August 17, 1864.

MONSIEUR LE MINISTRE: Immediately upon the receipt of your late communication marked "note verbale," complaining of the captain of the United States ship Niagara as guilty of a breach of international courtesy in firing a salute to the American consular agent while in the French waters of Cherbourg, without, either before or afterwards, saluting the French flag, I addressed to him a note of inquiry, asking to be informed how such an act of apparent disrespect to the French flag could have occurred. I have received his written reply, and I do not suppose that I can dispose of the matter in a more satisfactory manner than by sending you a copy of this reply and apology, which I herewith do, adding thereto my own regrets that anything should have occurred which could be construed into the slightest disrespect on the part of one of our national ships towards that flag which the United States, in common with the rest of the world, hold in the highest honor.

Accept, sir, the assurances of highest consideration with which I have the honor to be your excellency's very obedient servant,

WM. L. DAYTON.

His Excellency M. DROUYN DE L'HUYS,
Minister of Foreign Affairs, Paris.

Mr. Dayton to Mr. Seward.

No. 526.]

PARIS, August 23, 1864.

SIR: The enclosed slip is cut from Galignani of this morning, and I receive at the same time like information as to the projected trial trips of these vessels from our consul at Nantes. There is a thin iron plating, it is said, on the inside of these vessels not more than an inch at most in thickness. I have given this information to Captain Rodgers, of the Iroquois, who is now at Havre repairing the boilers of his ship, and advised him to appear off the port of Nantes and consult with our consul at that port.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

[Slip from Galignani of Tuesday, August 23.]

Another iron-clad frigate, the Magnanime, has been launched at Brest.

Two ships, intended for the confederate government, have for some time past been in construction at Nantes. The Phare de la Loire now states that the San Francisco and the Chang Hai are still in the dock at St. Nazaire, where their fitting out is being completed with a certain mystery. A notice, placed in a conspicuous position before the building shed, forbids the entrance of strangers. Fastenings are said to have been placed around the sides of the vessels in the vicinity of the engines, to receive chains, and thus form an armor similar to that used by the Kearsarge in its encounter with the Alabama. M. Voruz is stated to have received from the minister of marine the authorization to try the engines; Count de Chasseloup-Laubat, however, required that only one vessel should leave the harbor at a time, and that he should be informed of each departure and arrival of these ships. The Phare de la Loire adds that the date for the trial trips has not yet been fixed.

Mr. Dayton to Mr. Seward.

No. 527.]

PARIS, August 23, 1864.

SIR: In despatch No. 508 I informed you that an order for the sale of the confederate ship Rappahannock had been made by the Tribunal of Commerce of Boulogne. This was so, but on the very day named for the sale an order came down, as I am informed by our consul at Calais, prohibiting the sale and all other civil proceedings against this ship. Since this, I am informed that the crew then on board the Rappahannock has been discharged, and the most of them have gone to England. That there now remain on board of her a guard or watch of about five men and two officers only. The vessel is a miserable affair at best.

I am, sir, your obedient servant,

WM. L. DAYTON.

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.



Mr. Dayton to Mr. Seward.

No. 529.]

PARIS, August 25, 1864.

SIR: I have just returned from the Foreign Office, and again find M. Drouyn de l'Huys is out of Paris. I am informed that I cannot see him before next week. I am a little annoyed at this, as I have a number of matters of current business, about which I wished to speak with him. But there is nothing so pressing as to make it very material whether they are attended to a week earlier or later.

I am glad to find that Captain Rodgers, of the Iroquois, has been making amends for the admitted neglect of the Niagara in the matter of salutes. The captain of the Iroquois, on the morning of the Emperor's fete, came into harbor at Boulogne and saluted. Again at Havre he saluted on entering the port, and, to the annoyance of the port officials, they had no cannon mounted to return the salute until some hours had elapsed. But the officials came immediately on board his ship to apologize for their seeming neglect. I have advised him that even on occasions when the right to salute was perhaps doubtful, it was best to give it. His vessel, having completed her repairs, left Havre yesterday, and goes from there to St. Nazaire, and thence to Bordeaux, to see our consuls at those ports, and look after the confederate ships being built there. You will recollect that it is not known that the iron-clads and two other clipper ships being built at those ports have yet been transferred to neutrals, and I have consequently told Captain Rodgers that, as at present advised, those vessels at sea are liable to capture. The Niagara and Sacramento are at present at Flushing. I hear of no confederate ships now afloat in European waters.

I am, sir, your obedient servant,

WM. L. DAYTON.

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. F. W. Seward to Mr. Dayton.

No. 642.]

DEPARTMENT OF STATE,

Washington, August 29, 1864.

SIR: I have to acknowledge the receipt of your despatch of the 9th instant, No. 520, in regard to the movements of the Iroquois, and to the absence of government officials from Paris.

Thanking you for the information thus imparted,

I am, sir, your obedient servant,

F. W. SEWARD,
Acting Secretary.

WILLIAM L. DAYTON, Esq., *dec., &c., &c.*

Mr. Dayton to Mr. Seward.

No. 532.]

PARIS, *September 1, 1864.*

SIR: Our indefatigable consul at Nantes writes me that an agent at St. Nazaire and Belle Isle is now essential to enable him to communicate promptly with the United States vessels on the French coast, and that the use of the telegraph is occasionally indispensable. He asked me if he would be allowed for such necessary expenditures. To this I have answered as follows:

"There is no doubt but that you will be allowed for such necessary expenses as you incur in the employ of agents at St. Nazaire, Belle Isle, or elsewhere, and for telegrams. It is only necessary that the right to spend money for these things be *prudently* exercised and proper *vouchers* be taken by you when you make payment."

Any expenses he may incur in these matters will doubtless be small in amount.

You have in your department copies of all the papers in reference to those vessels at Bordeaux and Nantes. If our ships-of-war should seize them at sea, does it seem to you that France would have any just ground of complaint? I ask, because it is not to be doubted, if seized while under the French flag, before delivery to the confederates, there would be rightly or wrongly a serious question made by this government—a question which might lead to hostilities between the two countries.

I send you herewith copies of two letters lately received—one from our consul at Nantes, the other from Captain Rodgers, of the Iroquois.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Commander Rodgers to Mr. Dayton.

UNITED STATES SHIP IROQUOIS,

St. Nazaire, France, August 28, 1864.

SIR: The Iroquois anchored off St. Nazaire on Friday night, and entered the port yesterday morning. I shall sail at midnight for Bordeaux.

Our consul at Nantes joined me here last night, and has given me much useful information.

I have seen, while passing them, the two rebel corvettes which are lying in the basin here, and have caused them to be closely observed. They are very formidable looking vessels, apparently of about eighteen hundred tons, able to carry heavy batteries, fully rigged, likely to sail and steam well, able to keep the sea for a long time, and will probably be superior in force to the greater part of our own cruisers. They seem to have been fitted with a view to make comfortable their officers and men, to be specially adapted to remain a long time on the ocean, and to make great havoc among our merchant ships. No expense seems to have been spared in their construction. It is believed here that their guns have been made at this place, and no one appears to doubt their having been built for the rebels. Mr. Montagnie keeps you so well informed of the details of their equipment, that it is unnecessary for me to dwell upon it.

I am much obliged by your letter of the 25th instant, which I had the honor to receive last night. If I meet either the Shanghai or San Francisco at sea, even upon their trial trips, under the French flag, I shall do my utmost to capture them, unless otherwise advised by you.

It will, however, not be easy for the Iroquois to look after the vessels at Bordeaux, St. Nazaire, and Calais; nor is it easy to keep up communication with our consuls at Nantes and Bordeaux, both somewhat remote from the sea, while the French authorities are so sensitive as to the presence of our ships-of-war in their waters.

After leaving Bordeaux, I shall return to Belle Isle to communicate with the consul at Nantes, probably three or four days from the present time.

I have the honor to be, with great respect, your most obedient servant,

C. R. P. RODGERS,

Commander United States Navy.

His Excellency WILLIAM L. DAYTON,

*Minister Plenipotentiary and Envoy Extraordinary of the
United States of North America at France, Paris.*

Mr. John de la Montagnie to Mr. Dayton.

No. 48.]

UNITED STATES CONSULATE,

Nantes, August 29, 1864.

SIR: In continuation of my reports concerning the rebel ships at St. Nazaire I learn that, one day last week, thirty-five tons of the bituminous mixture for firing steamers was put on board the San Francisco, and during a day her machinery was kept working. She also sailed about the dock. I am informed, by a person who was aboard, that the machinery worked well, giving satisfaction. This coal was put on board from the wharf, the vessel coming alongside of it. She now occupies the outside position in the dock, and could go to sea in five or ten days, if pressed.

I am informed by a French pilot, who is now on board the Iroquois permanently, and who, at my request, with the consent of Captain Rodgers, went on board the Shanghai yesterday at 11 o'clock, that he was informed by the keeper that Mr. —, (he could not recall the name,) the American in command of the work on the ships, (doubtless Hansenson,) had given him positive orders to let no one on board while the northern corvette was in port; that the ships would both be ready to sail in a month; that they were to have nineteen cannon, 120-pounders; two were to point through the stern lights of the captain's cabin, eight were to be on each side, and pivot on the forecastle deck. He said they had not been, and would not be, sold; they were confederate ships. This keeper did not know my informant was pilot of the Iroquois, nor that he had any connexion with me. I give this information as I received it. He must be

mistaken about the calibre of the cannon. I omitted to say that the keeper added that they were to go to Sweden for their guns.

As soon as it was known at St. Nazaire that an American war ship was in sight, the ports were all closed, and mats were hung along the wharf side of the ship. The gate upon the shore plank was shut, and orders given to admit none but workmen aboard. This Frenchman only got on board through the name of his cousin, who rigged the ships. The rigger's name is Mogart, of Cherbourg. The pilot said Mogart said that he was working for and paid by the confederate authorities. The pilot could not tell me from whom his cousin Mogart received his pay. Could you, sir, send me a copy of the diplomatic correspondence for the last year, which contains Mr. Seward's instructions to Mr. Adams concerning the iron-clads of England? I have not yet received a copy, and had promised it to Captain Rodgers, thinking I had one. He desired to know what had been the determination of our government about that matter.

I am, sir, very respectfully, your obedient servant,

JOHN DE LA MONTAGNIE,

Hon. WM. L. DAYTON,

United States Minister at Paris.

Mr. Dayton to Mr. Seward.

No. 533.]

PARIS, *September 9, 1864.*

SIR: M. Drouyn de l'Huys having returned to Paris, I yesterday saw him for the first time in some weeks.

Although I had informed him immediately after the fight between the Kearsarge and Alabama that I, as the representative of our government, condemned the paroling of the prisoners taken by the Kearsarge on that occasion, and had so informed the captain of the Kearsarge; yet, in obedience to your instructions subsequently received, I again said to him that our government disapproved and repudiated the action of Captain Winslow in that respect, and had instructed Mr. Adams to communicate such disapproval to the British government, and in like manner had instructed me to communicate such disapproval to this government.

That the government of the United States had not admitted, and would not admit, directly or inferentially, that the Alabama was a regular ship-of-war. So far, therefore, as the error of Captain Winslow can be corrected by the action of this legation, or by your department, it seems to me it has been done.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Dayton to Mr. Seward

No. 535.]

PARIS, *September 9, 1864.*

SIR: As the most satisfactory mode of apprising the foreign department here of your action in the case of Mr. Mansfield, our consul at Tabasco, I read your despatch No. 618 to Mr. Drouyn de l'Huys. He seemed much gratified with the kind and courteous manner in which you expressed yourself in relation to his communication of the information he had received in relation to the character and habits of our consul at that post.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 536.]

PARIS, *September 9, 1864.*

SIR: Having received notice from Captain Rodgers, of the United States steamer Iroquois, that he was off the coast of France watching the confederate ships now being built at Bordeaux and Nantes, and that he would seize them on their trial trips should he meet them at sea, I addressed a note to M. Drouyn de l'Huys, a copy of which I herewith enclose. He informed me yesterday that he had at once forwarded a copy of my note to the minister of marine, and should he be informed by that minister that these vessels, or either of them, had been conveyed to a neutral, he would at once apprise me of the fact. The Yeddo, in the first place, and lately the Osacca, being two of the four clipper ships constructed under that contract for the confederates, having been delivered to Prussia, and being now under her flag, would seem to increase the probabilities of the other two ships having the same or a like destination.

I desire, therefore, to be very careful to obtain all possible information before attempting to seize these vessels.

I am, sir, your obedient servant,

WM. L. DAYTON.

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Dayton to M. Drouyn de l'Huys.

PARIS, *August 29, 1864.*

MONSIEUR LE MINISTRE: I regret to be under the necessity of again troubling your excellency as to the ships now or recently being built at Nantes and Bordeaux for the so-called confederates of the south. I do so to prevent, if possible, any difficulty springing up between France and the United States.

Your excellency has in possession evidence that four clipper ships and two iron-clads were contracted for by these parties, and have been in the course of construction at these two ports. As respects two of these vessels, the Yeddo and Osacca, they have been disposed of, it would seem, to a power neutral as respects the United States; but your excellency has given me no assurance that the two other clipper ships at Nantes, and the iron-clad at Bordeaux, or either of them, have been disposed of in like manner. These vessels, so far as I have knowledge, are yet the property of the confederates, and one or more are about to go to sea. They will, under these circumstances, be subject to capture by our cruisers. In the hope of preventing any unpleasant questions between our governments, I beg your excellency will state, in reply, if you have knowledge of any change of ownership in either of the vessels above referred to.

I am, very respectfully, your obedient servant,

W. L. DAYTON.

His Excellency DROUYN DE L'HUYS, &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 540.]

PARIS, *September 15, 1864.*

SIR: By my despatch, No. 536, I informed you that, to avoid difficulty, I had asked of M. Drouyn de l'Huys if he knew of any change in the ownership of

those vessels that were being built at Bordeaux and Nantes for the confederates, stating that I asked the question directly in the hope of avoiding difficulty with the French government, in the event of the seizure of these vessels by our cruisers. That as matters now stood, we should feel ourselves authorized to seize them so soon as they appeared, even on their trial trips, outside of French waters, and one of these vessels I knew was then about to go out on such a trip. He answered that if he learned of any change in the property of these vessels, he would inform me. As yet I have received no such information, but I am now informed by our consul at Nantes that orders have come down to that port, withdrawing the permit to such vessels to make trial trips heretofore granted.

This has obviously grown out of a knowledge of our intentions to seize them, and the fact that the Iroquois was lying off the coast on the watch. It would seem, therefore, that this government, like ourselves, is desirous of avoiding cause for difficulty.

I regret to learn from Captain Rodgers, of the Iroquois, that his ship is already ordered by the Secretary of the Navy away from European waters. She will scarcely have appeared here before she is sent away. The captain, by the way, makes complaint of French officials at Bordeaux, for want of due courtesy on their part in not returning the salute of his ship on her entering that port. I shall call the attention of M. Drouyn de l'Huys to this subject, not with a view really to serious complaint or to an exchange of diplomatic notes on such a subject, but in return for a like course upon his part in the late case of the Niagara at Cherbourg.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 648.]

DEPARTMENT OF STATE,
Washington, September 15, 1864.

SIR: I give you for your information a copy of a despatch which has just been received from William H. Corwin, esq., our chargé d'affaires in Mexico. Later accounts than this despatch do not enable us to judge concerning the probable results of the military movements now going on in that republic. You will of course observe what Mr. Corwin relates of Dr. Gwin's purposes in Sonora. It is not to be doubted that they are unfriendly to the United States. But I think I hazard little in saying that they forebode even more of inconvenience to whatever government may exist in Mexico than of ultimate harm to our own country.

It is hardly to be apprehended that the insurgents will come out of the present civil war with any great capacity for establishing slavery in Mexico. It may, however, be well for you to ascertain how far such schemes of his find support in the councils of the Emperor of France.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 649.]

DEPARTMENT OF STATE,
Washington, September 15, 1864.

SIR : I have to acknowledge the receipt of your despatch of the 23d ultimo, No. 526, in regard to the proposed trial trips of certain vessels from French ports, for the insurgents. Thanking you for the information, I have to inform you, in reply, that I have communicated it to the Secretary of the Navy, and have urged upon him the capture of these vessels.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 652.]

DEPARTMENT OF STATE,
Washington, September 17, 1864.

SIR : I have to acknowledge the receipt of your despatch of the 19th of August, No. 521, together with a copy of a correspondence which has been held between M. Drouyn de l'Huys and yourself, Commodore Craven intervening, in regard to a neglect of national courtesies of that officer during a recent visit to Cherbourg.

I approve entirely of your communications to M. Drouyn de l'Huys, and also of Commander Craven's apology, which being manifestly frank and loyal, I trust has removed the sense of injury which M. Drouyn de l'Huys justly expressed.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 653.]

DEPARTMENT OF STATE,
Washington, September 19, 1864.

SIR: I have received your despatch of the 1st of September, No. 532, together with the letters of Captain Rodgers and Mr. de la Montagnie, annexed thereto, and have submitted these papers to the President. The answer which you gave to our consul at Nantes, on the subject of agency at St. Nazaire and Belle Isle, and telegraph expenses, is fully approved.

We understand that the two corvettes now at Nantes, namely, the Shanghai and San Francisco, were built for, and are owned by, our rebel enemies, and are designed to be armed and used in war against the United States. We have no information that they have been sold to any neutral power or persons, and we have no guarantees against them if they are permitted to leave the port where they lie, and have no reason to believe they would be withheld from actual hostilities by France, or any foreign power whose flag they might assume to carry. It will, therefore, be the duty of our naval officers to capture them on the high seas, if possible, and send them into court for adjudication. Without the formality of a special and pointed communication, you have let Mr. Drouyn de l'Huys understand the views of this government upon this subject, and thus afforded him an opportunity, if he desires, to prevent the departure of the vessels.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

[Same to Mr. Adams.]

No. 656.]

DEPARTMENT OF STATE,

Washington, September 20, 1864.

SIR: I append, for such use as you may deem expedient, a copy of a letter of yesterday, addressed to this department by the Secretary of War, containing a despatch which has just been received from Major General Canby, who is commanding in the field west of the Mississippi.

The proceeding of Major General Canby has been approved. The despatch contains the official information this government has of the extraordinary events which have recently occurred on the Rio Grande.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, &c., &c., &c.

Mr. Stanton to Mr. Seward.

WAR DEPARTMENT,

Washington, September 19, 1864.

SIR: I enclose to you the following extract from a despatch from Major General Canby, received last night, dated at New Orleans, 3 o'clock p. m., September 12:

"Cortinas has crossed the Rio Grande to escape the French forces operating from Bagdad, and has been notified by the commanding officer at Brazos Santiago that, on surrendering his army and ammunition, his party would be received as refugees; and that his presence in the territory of the United States, as an armed enemy of a neutral power, would not be tolerated."

Your obedient servant,

EDWIN M. STANTON,
Secretary of War.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Dayton.

No. 658.]

DEPARTMENT OF STATE,

Washington, September 20, 1864.

SIR: I have to acknowledge the receipt of your despatch of the 23d of August, No. 527, which relates to the return of the Tribunal of Commerce of Boulogne in regard to the disposition of the confederate ship *Rappahannock*.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 660.]

DEPARTMENT OF STATE,
Washington, September 20, 1864.

SIR: I have received your despatch of the 25th of August, No. 529, and it is approved. You will please call upon Mr. Kreismann, our secretary of legation at Berlin, for further information in regard to the question whether the iron-clads and other two clipper ships, being built at St. Nazaire and Bordeaux, have been transferred to neutrals.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. F. W. Seward to Mr. Dayton.

No. 662.]

DEPARTMENT OF STATE,
Washington, September 24, 1864.

SIR: I have to acknowledge the receipt of your despatch of the 9th of September, No. 533, in which you inform me that Mr. Drouyn de l'Huys having returned to Paris, you made known to him the views of this government respecting the action of Captain Winslow in releasing the prisoners taken by the Kearsarge. Your proceedings therein indicated are approved.

I am, sir, your obedient servant,

F. W. SEWARD.
Acting Secretary.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. F. W. Seward to Mr. Dayton.

No. 663.]

DEPARTMENT OF STATE,
Washington, September 24, 1864.

SIR: I have received a despatch of the 5th instant from the United States consul at Bremen, in which he informs me that the corvette Osacca, which vessel was built at Bordeaux for the rebel government, and subsequently sold to the Prussian government, had arrived at Bremerhaven, and that she was immediately placed in charge of the Prussian naval officers. He further remarks that a third ship, a powerful ram, is also expected to arrive at Bremen from Bordeaux in a few weeks. I will thank you to ascertain whether this vessel is one of the Nantes cruisers.

I am, sir, your obedient servant,

F. W. SEWARD,
Acting Secretary.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. F. W. Seward to Mr. Dayton.

No. 668.]

DEPARTMENT OF STATE,
Washington, September 26, 1864.

SIR: I have received your despatch of the 9th instant, No. 536, which relates to the confederate ships now being built at Bordeaux and Nantes, which

is approved. I am pleased to see that you have anticipated and fully executed the instructions contained in a despatch of the 8th of August, No. 629.

I am, sir, your obedient servant,

F. W. SEWARD,
Acting Secretary.

WILLIAM L. DAYTON, &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 542.]

PARIS, *September 29, 1864.*

SIR: In my despatch No. 536 I informed you of my application to the French government to learn if it knew of any change in the ownership of the vessels building for the confederates at Bordeaux and Nantes, and I enclosed you at the same time a copy of my communication, which states the friendly purpose of my question. To this I received a courteous and friendly answer from M. Drouyn de l'Huys. But subsequently I have received through the Foreign Office, from M. Chasseloup-Laubat, the minister of marine, a reply not at all in the spirit of my note, but in a fault-finding and somewhat dictatorial spirit. Of this I herewith send a copy and its translation.

Having in my official intercourse here observed the punctilious requirements of this government, I have tried to avoid on all occasions anything which might tend to wound its self-love; but this reply, unexpected, and I think wholly uncalled for, demanded, as it seemed to me, an explicit rejoinder. I have made it in temperate terms, I think, and herewith send you a copy.

We now have, at all events, as a result of this correspondence, what we have not had before, *in writing*, a distinct promise that neither of these four vessels shall be delivered to the confederates. It is true they may say, in the further progress of this question, as they did in the case of the Yeddo and Osacca, that all they can do is to exercise *due diligence* to prevent such delivery, but this diligence will, without doubt, be much increased by the consciousness that such promise has been made by them and accepted by us.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

M. Drouyn de l'Huys to Mr. Dayton.

[Translation.]

PARIS, *September 22, 1864.*

SIR: I hastened to write to M. the minister of the marine upon the subject of the two clipper ships in course of construction at Nantes, and the two iron-clad vessels in the ship-yards at Bordeaux, which were the object of your letter of the 29th of August last. M. the Marquis de Chasseleup-Laubat has just sent me his answer, and I cannot do better than transmit to you the text itself of this communication, which contains the answer of the government of the Emperor to the observations which you did me the honor to address me.

Accept the assurances of the high consideration with which I have the honor to be, sir, your very humble and very obedient servant,

DROUYN DE L'HUYS.

Mr. DAYTON,
Minister of the United States at Paris.

M. Lambert to M. Drouyn de l'Huys.

[Translation.]

DEPARTMENT OF THE MARINE AND COLONIES,
Paris, September 17, 1864.

M. LE MINISTRE AND DEAR COLLEAGUE: You did me the honor to transmit to me the 5th of this month the copy of a letter which M. the minister of the United States had written to you on the 29th of August last, on the subject of the two clipper ships in course of construction at Nantes, and the two iron-clad vessels in the ship-yards at Bordeaux. These vessels are still, according to him, the property of the confederates, and this circumstance would subject them, if they went to sea, to being captured by the federal cruisers.

I recently authorized M. Voruz, senior, to proceed to a trial of the engines of the Shanghai and of the San Francisco. This step is indispensable to insure the sale of these ships, and we could not refuse it without prejudice to the interests of our commerce, but, as in the case of the Yeddo and Osacca, I made known to this constructor that the two above mentioned ships could not definitively leave the Loire until he should have proved to the department of foreign affairs their regular sale to a foreign non-belligerent power. It would only be then, in case your excellency made known to me that this be so, that I would give the necessary authorization to M. the chief of service at Nantes.

The same precautions will be taken in regard to the two iron-clad vessels at Bordeaux; but, as far as I knew, no step has yet been taken concerning their armament.

We can then give to M. the minister of the United States the assurance that the four vessels in question will not be delivered to the Confederate States. ("Nous pouvons donc donner à M. le ministre des États Unis l'assurance que les quatre navires en question ne seront pas livrés aux États Confédérés.")

This being well established, I cannot avoid calling to the attention of your excellency that the letter of Mr. Dayton is conceived in terms that we cannot accept, if it contains, as seems to result from a phrase of M. the minister of the United States, the threat of seizing the vessels whose trial trips I believe it my duty to authorize, and that upon the occasion of these very trial trips. It should not, indeed, be forgotten that these vessels under the French flag, manned by a French crew, are still French; it would only be when they were delivered to an enemy of the northern States that the federal vessels might seize them. But, as I have above said, this delivery shall not take place, and our declaration ought to suffice. We have shown sufficient loyalty when, in a recent circumstance, we stopped all sale, all departure of a ship, in order that our sincerity might not be doubted; and since the commencement of the war, the government of the Emperor has observed quite scrupulously the rules of the strictest neutrality, in order that no one might be permitted to raise doubts on this point. I add, M. le ministre and dear colleague, that it would be fortunate not to find in Mexico more American arms and American combatants than the States of the north have met of French combatants and French arms among the confederates.

However, to avoid new difficulties, I have given directions until further orders to suspend the trials of the San Francisco and of the Shanghai. I desire that you should have an interview on this subject with Mr. Dayton.

At the same time, if M. the minister of the United States persists in his menace, the ships would none the less make their trial trips, but then under the protection of one of our iron-clad vessels. In fine, from the moment that an attempt should be made against a vessel under such circumstances, we would find ourselves under the necessity of forbidding all American vessels of the north to remain any longer in French waters.

To sum the matter up, M. le ministre and dear colleague, without awaiting the proof which the constructors of Nantes and Bordeaux will have to produce to your department on the subject of the regular sale of the two clipper ships, and the two iron-clad batteries above mentioned, in order that they may be authorized to leave these two ports, your excellency will appreciate if the preceding observations would not permit you to answer in a peremptory manner the reclamation of Mr. Dayton.

Accept, &c.,

CHASSELOUP LAUBAT.

Mr. Dayton to M. Drouyn de l'Huys.

PARIS, *September 28, 1864.*

MONSIEUR LE MINISTRE: I have the honor to acknowledge the receipt of your letter, dated the 22d instant, which encloses the copy of a letter received by your excellency from the minister of marine, &c., under date of the 17th instant, and this last letter your excellency informs me "contains the answer of the government of the Emperor to the observations" in my letter of the 29th August last. In that letter I stated to your excellency that the two vessels at Nantes, and the two iron-clads at Bordeaux, built under contract for the confederates, still remained, so far as I had knowledge, "the property of the confederates," and one or more of them, as I was informed, was about to go to sea, and under these circumstances would be "subject to capture by our cruisers." I then added that, "in the hope of preventing any unpleasant questions between our governments, I begged your excellency to state, in reply, if you had knowledge of any change of ownership in either of the vessels above referred to."

This letter, written in the kindest spirit and for the express purpose of avoiding all occasion for complaint on the part of France, does not seem to have been received by his excellency the minister of marine in a like spirit, but rather in the spirit of complaint and crimination. He says: "We have shown sufficient loyalty when, in a recent circumstance, we stopped all sale, all departure of a ship, in order that our sincerity might not be doubted," &c. I beg to assure his excellency that nothing in my note of inquiry, to which his is or purported to be an answer, implied the slightest doubt of the *sincerity* of his government. The only fear I ever expressed on this subject was, that the French government might put more faith in the representations of the parties interested in these vessels than I believed him entitled to. His excellency does not stop here, but, proceeding in a like spirit, goes out of his way to inform you that it would be fortunate not to find in Mexico more American arms and more American combatants than the States of the north have met of French combatants and French arms among the confederates. In answer to this suggestion, I am constrained to remind his excellency that the government of the United States not only stopped the exportation of arms to Mexico, but it promptly stopped even an incipient movement towards the organization of men within its territory to take part in the war in that country. They did not wait until the organization was complete and ready to move; and tell France, in the mean time, we will prevent, or try to prevent, the passing of this force into Mexican territory. I am constrained, likewise, to remind his excellency, that when, in the late war between France and England on the one side, and Russia on the other, complaint was made by the allies that a ship-of-war was being built in one of the ports of the United States for Russia, the United States did not delay its action until the ship was complete and ready for delivery, but they acted at once, and the construction of the ship was stayed until the end of the war. (See papers accompanying my communication of April 13, 1863.)

If, as his excellency implies, more of American arms and American combatants are found in Mexico than of French arms and French combatants are found among the confederates, (of which I have no knowledge,) it would, I should think, be readily accounted for without imputing any neglect to the government of the United States. While France is separated from the confederates by from three to four thousand miles of sea, the United States has, with Mexico, its next neighbor, a coterminous boundary of some fifteen hundred miles, next to and adjoining which is the nomadic and adventurous population of our western country.

The communication of his excellency then calls your attention to the terms of my letter, which, he says, imply a "menace," (being a threat of seizing these vessels,) which he says they cannot accept, and thus the very object of my letter, which was to prevent by preliminary inquiry a wrongful seizure of these vessels, is itself converted into offence. Having been informed that our naval officers, on the evidence that our government had received of the ownership of these vessels by the confederates, would feel themselves justified in seizing them if met in the open sea, and supposing, as I did, that the property in these vessels, or some of them, might have passed (as in the case of the *Yeddo* and *Osacca*) into neutral hands, I thought to avoid all just cause of complaint by the inquiry if the authorities of France knew of any such change of property, meaning in that event to advise or direct that they be not interfered with. There was no menace and no implication of menace to seize these vessels except as *confederate* property, and it so expressly appeared on the face of my communication. I cannot conceive, therefore, how this could be justly construed into an offence to France. It is true, his excellency says in his letter that it should not, indeed, be forgotten that these vessels under the French flag and manned by a French crew are still French, and that we have no right to seize them until after delivery to an enemy. I do not so understand the law. The vessels in question are contraband of war—contraband in the strictest sense of that word. When found steaming on the open sea, every presumption is that they are destined to their owner. Nor does the fact that they fly a French flag and are navigated by a French crew change that legal presumption. If his excellency's principle be right, nothing in a neutral's possession can be seized at sea, and the whole doctrine of contraband is abolished. His excellency the minister of marine then gives us notice that if a menace to seize these ships be yet persisted in, "the ships will none the less make their trial trips, but then under the protection of one of the iron-clad vessels" of France; and, in fine, he says that "from the moment an attempt shall be made against a vessel under such circumstances, we would find ourselves under the necessity of forbidding all American vessels of the north to remain any longer in French waters." Were I disposed to take exception, this language of express menace would be justly open to complaint; but I prefer rather to consider it as simply a statement in advance of the policy or purpose of the French government, without supposing it to mean or imply that the action of the government of the United States may be influenced or controlled by the threat contained in it. Viewed in this light, I can only say, in reply, that France will, doubtless, in the event contemplated, take such course (subject, I should hope, to the rules of international law) as her dignity and interests may require; but she will not fail, I trust, to remember that the ports and waters of the United States are of quite as much importance to the ships of France as are those of France to the ships of the United States. International right and courtesy are of necessity reciprocal; when, therefore, she speaks of closing her ports against us, she cannot doubt, however much we would regret the necessity, that the same measure of justice and courtesy which she metes out to us will, of necessity, be measured to her in return.

But notwithstanding the general tone of his excellency's communication, I am rejoiced to perceive that, to avoid, as he says, new difficulties, he has given orders to suspend the trial trips of the *San Francisco* and of the *Shanghai*, and has, at

the same time, given me the "assurance that the four vessels in question will not be delivered to the Confederate States," and this assurance he has repeated with emphasis, adding, at the same time, that this "our declaration ought to suffice." This does not leave me to rely on the verbal assurance or good faith of the parties interested in these vessels, but substitutes in lieu thereof the direct assurance and responsibility of the French government, and I am sure that I but anticipate the wishes of my government when I say promptly it does "suffice."

Immediately upon the receipt of the communication containing this assurance, I sent to the commander of the United States ship Niagara, at Antwerp, a letter, informing him that if, "under the circumstances, the vessels in question or either of them are met at sea on their trial trips, under a French flag and with a French crew, it would be expedient and proper, in my judgment, not to interfere with them." This letter has been received by the commander of the Niagara, and a copy of it sent, as I am informed, to the captain of the Sacramento. These are the only two ships-of-war of the United States now remaining, so far as I know, in these waters, the Iroquois, recently here, having been ordered in service elsewhere.

I avail myself of this occasion to renew to your excellency the assurance of my highest consideration.

Your very obedient servant,

WM. L. DAYTON.

His Excellency M. DROUYN DE L'HUYS,
Minister of Foreign Affairs, Paris.

Mr. Dayton to Mr. Seward.

No. 543.]

PARIS, September 30, 1864.

SIR: I saw M. Drouyn de l'Huys on yesterday. He received me in a very cordial manner, but said, smilingly, that I wrote him a sharp despatch, in allusion to that I had sent him the day before, enclosed to you in No. 542. I said no, but I had answered temperately a sharp despatch he had sent to me from the minister of marine; and I added that that despatch had surprised me very much, as there was certainly nothing in my letter, to which this despatch from the minister of marine purports to be an answer, to justify it. M. Drouyn de l'Huys then said, they certainly intended to watch those vessels at Bordeaux and Nantes as closely as possible; and he thought that this letter from the minister of marine, stating that these vessels *should not be delivered to the confederates*, put the matter in the best shape for me. I told him I thought so, too, and was satisfied, and had so informed the commanders of the Niagara and Sacramento.

I then read to him a letter from Captain Rodgers, of the Iroquois, complaining that the authorities at Bordeaux had not returned his salute; but stated, at the same time, that I did not wish to make it the subject of diplomatic correspondence. He said he would mention the matter to the minister of marine; but as it subsequently appeared that they had no guns at Bordeaux with which to return the salute, that, he supposed, would be a sufficient answer, to which I fully assented.

I am, sir, your obedient servant,

WM. L. DAYTON.

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 669.]

DEPARTMENT OF STATE,
Washington, October 3, 1864.

SIR: I transmit for your information a copy of a private note of the 23d ultimo from M. de Geofroy, of my reply of the 30th ultimo,* and of a letter addressed by me to Major General Canby on the 30th ultimo, in regard to the alleged entrance of the Mexican General Cortinas, with an armed force, into the territory of the United States, with an assumption of military authority.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Major General Canby.

DEPARTMENT OF STATE,
Washington, September 30, 1864.

SIR: Unofficial newspaper statements concerning the alleged entrance of the Mexican General Cortinas, with an armed force, into the territory of Texas, within the United States, with an assumption of military authority, have attracted the attention of this department, as well as that of the minister of France at this capital. The reports are contradictory and apparently unreliable. The dignity of this government and its honor, as a neutral power in the conflict which is raging in Mexico, render it necessary that the President should be fully informed as early as possible of the proceedings to which I have thus referred. I have therefore to request that you will ascertain the facts and make a report thereon to the Secretary of War. In the mean time I have the pleasure to inform you that the proceeding is approved, by which, on the occasion referred to, you gave notice to the said Cortinas that his presence in arms within the United States, in an attitude of war against a friendly power, with which the United States are at peace, would not be tolerated. Although that proceeding indicates that you have faithfully adhered to the instructions given to your predecessors, yet, I think it proper to renew the injunction that on no account, and in no way, must the neutrality of the United States in the war between France and Mexico be compromised by our military forces, or be suffered to be compromised within your command by either of the belligerents.

I have the honor to be, general, your obedient servant,

WILLIAM H. SEWARD.

Major General E. R. S. CANBY,

Commanding Department of the Gulf, Headquarters, New Orleans.

Mr. Seward to Mr. Dayton.

No. 673.]

DEPARTMENT OF STATE,
Washington, October 4, 1864.

SIR: Mr. Bigelow has directed my attention to an article contained in the *Moniteur* of the 11th of September, which quoted a letter of the 9th of September from Lloyd's agent at Bremerhaven. The letter stated that one of the so-

* This note and the reply thereto will be found in the correspondence with the French legation.

called confederate cruisers from Bordeaux had entered Bremerhaven under the Prussian flag, and gone out immediately under the confederate flag. Mr. Bigelow intimates that the appearing of the article in the official journal of the French government indicates an unfriendly feeling towards the United States.

Happily, as I believe, the letter quoted is erroneous in fact. Your acquaintance with the principles upon which the *Moniteur* is conducted will enable you to judge better than I can whether the publication requires explanations. If you think it does, you will ask them. We are not now especially sensitive concerning the dispositions of foreign governments, and we best maintain the national honor by avoiding a querulous habit. At the same time, if this forbearance is likely to be misunderstood abroad into indifference, or want of attention to the national rights, we must ask explanations, however irksome the task may be.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 674.]

DEPARTMENT OF STATE,

Washington, October 4, 1864.

SIR: I have to acknowledge the receipt of your despatch of the 15th ultimo, No. 540, relative to the vessels in progress at Bordeaux and Nantes for the insurgents, and to the interview had by you with M. Drouyn de l'Huys in regard to changes in the ownership of these vessels, in which you informed him that, as matters then stood, the United States government would feel authorized to seize them so soon as they appeared outside of French waters.

In reply, I have to state that your proceedings in the matter are approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 675.]

DEPARTMENT OF STATE,

Washington, October 7, 1864.

SIR: I send herewith a statement which has been received from a very intelligent and perfectly reliable person, who is well known to this government. It contains the result of a careful observation of the clipper ships which are building at St. Nazaire for the rebels, and shows that they are but too well adapted to warlike purposes.

I have to desire that you will communicate the information contained in the paper to M. Drouyn de l'Huys, and ask for assurances that neither of the two vessels shall be permitted to leave port to make war against the United States. You will make known the result of this communication to me for the information of this government. It is hardly necessary to say that this government would receive with much satisfaction such explanations as will relieve us of the necessity of looking for these vessels on the high seas. The Secretary of the Navy will give proper instructions to our naval forces in European waters concerning the aforementioned vessels.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 545.]

PARIS, *October 7, 1864.*

SIR: The copy of a despatch from General Canby in reference to Cortinas crossing the Rio Grande with his forces into Texas, which you sent to me in your No. 656, to be used subject to my discretion, I read to M. Drouyn de l'Huys. The facts had got into the newspapers with various comments, and as I well knew the attention of this government must have been called to the subject, I thought it safest at once to inform them of the prudent action of the government of the United States in the premises. M. Drouyn de l'Huys said this action of our government was a matter of interest, and begged me to let him take a copy of the extract, which I did. He remarked that it was important to him to have the means of explaining the facts at once, if the subject should be referred to by his Majesty.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 677.]

DEPARTMENT OF STATE,
Washington, October 10, 1864.

SIR: I transmit a copy of a report of Major General Canby, and of the accompanying papers, relative to certain proceedings near Brownsville, in Texas, in connexion with the United States, Texan, and French forces in that quarter. The condition of affairs there does not seem to have been changed, but these papers will serve to explain it. To that end you may communicate them to M. Drouyn de l'Huys.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Townsend to Mr. Seward.

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, October 4, 1864.

SIR: I am directed by the Secretary of War to transmit to you the enclosed documents in relation to the arrival in Texas of a Mexican force under Cortinas, with the request that after you have perused the same, they may be returned to this office for file.

I have the honor to be, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant General.

Hon. WILLIAM H. SEWARD,
Secretary of State.

General Canby to General Banks.

HEADQUARTERS MILITARY DIVISION OF WEST MISSISSIPPI,
New Orleans, La., September 15, 1864.

GENERAL: The correspondence of Colonel Day, in relation to the Mexican force under Cortinas, has been received. Colonel Day's action, so far as is known here, accords with our neutral obligations, and is approved. The Mexican refugees are entitled to an asylum in our territory, when they deliver up their arms and munitions, and restore any prisoners or booty that they may have taken from the French; they will not be received into the service of the United States for service on the Rio Grande frontier, but may be enlisted for the general service. In this case they will be sent to the city, either before or after enlistment, to be organized, armed, and equipped. Their enlistment may be for one, two, and three years, but preferably for the shorter term, and their duty thereafter will be determined by the circumstances of the service.

As an armed enemy of France, this force will not be tolerated in our territory; and if this be the intention of Cortinas, the commanding officer will be instructed to regard, and, as far as his power extends, to treat this force as enemies of the United States.

You will please instruct Colonel Day, or the commander at Brazos Santiago, accordingly, and, in the contingency of any of Cortinas's force entering our service, give the necessary instructions in relation to enlistment, transfer to this city, and the disposition to be made of private property. The public property of the Mexican government remains, of course, in the custody of the United States, until disposed of by proper authority.

Very respectfully, sir, your obedient servant,

EDWARD R. S. CANBY,
Major General, Commanding.

Major General N. P. BANKS,
Commanding Department of the Gulf.

Official:

C. T. CHRISTENSEN,
Lieutenant Colonel, Assistant Adjutant General.

Colonel Day to Major Drake.

HEADQUARTERS UNITED STATES FORCES,
Brazos Santiago, Texas, September 8, 1864.

MAJOR: I have the honor to transmit herewith a copy of a letter received by me from the commander of the French forces at Bagdad, also my reply to the same, in order that they may be considered at the same time with my report concerning the matter alluded to in each.

I am, very respectfully, your obedient servant,

H. M. DAY,
Colonel, Comd'g U. S. Forces, Brazos Santiago, Texas.

Major GEO. B. DRAKE,
Assistant Adjutant General, Department of the Gulf.

Official:

GEO. B. DRAKE, A. A. G.

[Indorsement No. 1.]

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, September 15, 1864.

Respectfully forwarded to Adjutant General of the army, through headquarters military division of west Mississippi, for information.

N. P. BANKS,
Major General Commanding.

[Indorsement No. 2.]

HEADQUARTERS MILITARY DIVISION, WEST MISSISSIPPI,
New Orleans, September 16, 1864.

Respectfully forwarded to the Adjutant General, with copy of my letter to Major General Banks, in reference to this matter.

EDWARD R. S. CANBY,
Major General Commanding.

General Veron to Colonel Day.

COMMANDER-IN-CHIEF FRENCH FORCES,
Bagdad, Mexico, September 7, 1864.

COLONEL: Yesterday, the 6th of September, the hostile forces of General Cortinas displayed themselves before our lines and made a feint to attack the place which we hold. General Cortinas, who knows the march of our several columns made against him, managed to move without our knowledge, and with your powerful aid succeeded in passing his troops to your side of the river with arms and baggage.

The first squadron of cavalry afforded you immediate aid to fight the confederates.

This morning, the passing of all these forces being effected, you gave them provisions, all that they wanted. According to the facts, and according to the law of nations, which none can distrust, I am bound to consider the forces of General Cortinas as troops belonging to the United States government, which government now holds the responsibility for their future conduct. In any enterprise I might undertake I must be certain not to encounter them on my road, either now or later.

If perchance, colonel, you have some objections to propose to the view I have of the matter, be so good, colonel, as to make them known as soon as possible. With this intention I send you Captain Visconti, my aide-de-camp. The United States and France have been too long friendly *allies* for any uneasy or hostile feeling to be produced between them.

Please to accept, colonel, the assurance of my most distinguished consideration.

A. VERON,
Commanding French Forces, Bagdad, Mexico.

BAGDAD, MEXICO, *September 7, 1864.*

Official:

GEO. B. DRAKE, A. A. G.

Colonel Day to General Veron.

HEADQUARTERS UNITED STATES FORCES,
Brazos Santiago, Texas, September 8, 1864.

SIR: I have the honor to acknowledge the receipt of your communication, dated September 7, 1864, from the hands of Captain Visconti. In reply, I would respectfully state that you are laboring under an error with regard to the forces of General Cortinas receiving provisions from me on the morning of the 6th of September. Understanding that the enemy had a large drove of cattle at our front, I sent a small force of mounted men with instructions to capture and drive them into camp, if possible, for the sustenance of my command. I would further state that I have not as yet been officially informed that General Cortinas is within my lines, and that I will at once send an officer with a sufficient escort to him, and if he is within my lines I will demand that he shall surrender all arms and munitions of war to the United States.

I take this occasion to assure the commander of the French forces at Bagdad that I shall not for a moment countenance the occupation of United States soil by any armed force except our own, and especially by a force hostile to the French government, which has so long been on friendly terms with the United States. Desiring that this harmony may long continue to exist,

I have the honor to subscribe myself your most obedient servant,
H. M. DAY,

Colonel, Comd'g U. S. Forces, Brazos Santiago, Texas.

COMMANDER OF THE FRENCH FORCES,
Bagdad, Mexico.

Official:

GEO. B. DRAKE, A. A. G.

Colonel Day to Major Drake.

HEADQUARTERS UNITED STATES FORCES,
Brazos Santiago, Texas, September 8, 1864.

MAJOR: I have the honor to report that an armed body of Mexican troops have landed on the American shore of the Rio Grande river, about fifteen miles from these headquarters.

These troops are commanded by General Cortinas, governor of Tamaulipas, whom I have seen in person, and from him learn that it is his desire to receive protection from the United States authorities.

An order has been sent to him demanding an immediate surrender of his ordnance and ordnance stores to my command, after which I shall give him the protection that he desires. A copy of the order is herewith transmitted for your information.

This letter will be delivered by Major George A. Day, provost marshal of the district, who will give you any information you may desire, as he is in full possession of the facts in this case.

I respectfully request that instructions be furnished me for this class of refugees.

Very respectfully, your obedient servant,

H. M. DAY,
Colonel Commanding Forces.

Major GEO. B. DRAKE,
Assistant Adjutant General, Department of the Gulf.

Official:

GEO. B. DRAKE, A. A. G.

Colonel Day to General Cortinas.

HEADQUARTERS UNITED STATES FORCES,
Brazos Santiago, Texas, September 8, 1864.

GENERAL: It has come to my knowledge that you have landed on the territory of the United States with an armed force. I have no doubt but that you have done so on account of the concentration of the forces of the enemies of the Mexican republic on Matamoras.

If that is the case, you are welcome, also your people that are with you; your arms, ammunition, and warlike stores must at once be surrendered to the United States forces.

When you have complied with the above requirements you can rely on being protected by the United States government. Any proposition you may desire to make will be cheerfully forwarded by me to my commanding officer at New Orleans.

Very respectfully, your obedient servant,

H. M. DAY,
Colonel, Com'dg U. S. Forces, Brazos Santiago.

General CORTINAS,
Commanding Mexican Forces.

Official :

GEO. B. DRAKE, A. A. G.

Colonel Day to Major Drake.

HEADQUARTERS UNITED STATES FORCES,
Brazos Santiago, Texas, September 8, 1864.

MAJOR: I have the honor to transmit herewith the following report of a slight engagement which took place at "Palmetto ranche," on the Rio Grande river, about sixteen miles from these headquarters. Learning from my scouts that the rebels had collected a large number of cattle which they intended to sell to the French troops at Bagdad, and that said cattle were in a bend in the river just above the "White ranche," I determined, after mature deliberation, to try and capture them, and at the same time drive back the rebels from their position, as they had been annoying us in various ways very much during the past few days. Accordingly, on the morning of the 6th, I ordered a squadron of the 1st Texas cavalry and one piece of artillery (12-pounder howitzer) to proceed up the country and accomplish the object above named. Major E. J. Noyes commanded the expedition; Captain P. J. Temple the cavalry; Lieutenant A. Hills, 1st Missouri artillery, the artillery.

After crossing the Boca Chica Pass skirmishers were thrown out to the right and left, and as they advanced the rebels slowly retired, until reaching the "Palmetto ranche," a stand was made and brisk firing ensued. The main body arrived soon after, and a fair prospect of a heavy engagement was apparent, as the rebels were having re-enforcements from above, but our artillery opened a very effective fire with shell, which had the effect to disperse the enemy, and the last seen of him he was flying in confusion in the direction of Brownsville.

Word being sent me by the major commanding of his position, I advanced three miles with a detachment of the 91st Illinois infantry volunteers to re-enforce him in case of necessity; it was not needed, however, and the whole force returned to camp on the morning of the 7th.

The expedition was successful in its results, for a lot of cattle were captured and brought in, and the rebels forced to leave this section of the country.

Hoping this report will prove satisfactory, I remain, very respectfully, your obedient servant,

H. M. DAY, *Colonel Commanding Forces.*

Major GEO. B. DRAKE,

Assistant Adjutant General, Department of the Gulf.

Official:

GEO. B. DRAKE, A. A. G.

Colonel Day to Major Drake.

HEADQUARTERS UNITED STATES FORCES,
Brazos Santiago, Texas, September 14, 1864.

MAJOR: I have the honor to submit the following report of the action taken by me relative to the fact that an armed body of Mexican troops had crossed the Rio Grande, above our lines, of which I advised you in a recent report.

In the evening of the 8th of September I ordered Major E. J. Noyes, commanding detachment first Texas cavalry, to move with his command up the Rio Grande, the point where the troops had crossed the river, and instructed him to demand of them the surrender of all arms and warlike stores, and to offer them the protection of the United States as refugees; I also instructed him that if he found it necessary, in order to defend himself against the rebels, to allow the refugees to temporarily resume their arms. Major Noyes proceeded agreeably to the above instructions, and the Mexicans willingly surrendered upon the demand being made. They were not commanded by Governor Cortinas, as I was at first informed, and hence reported to you, but Colonel Miguel Echazarretta, Cortinas not having moved his headquarters to this side of the river. Shortly after the surrender had been effected, our forces were attacked by the rebels with nearly double their number, and, according to my instructions, the refugees were allowed to resume their arms and fought bravely with our men. After a short engagement, in which one piece of Mexican artillery was used, the rebels were repulsed with great loss. They rallied and again attacked, and were again repulsed; so a third time; after which Major Noyes, being short of ammunition, fell back two miles and took a stronger position. Fearing that the rebels would receive re-enforcements from Brownsville, and would succeed in getting possession of the artillery which the refugees had surrendered to us, I advanced on the 11th, with two hundred of the 91st Illinois and two pieces of artillery, as far as White's ranche, and ordered Major Noyes to fall back with his command to that place. The rebels followed with a force of about six hundred, but I soon routed them with my artillery. On the morning of the 12th I returned to camp, bringing with me all refugees who had crossed the river, their arms and warlike stores. Affixed to this report is a statement (which I respectfully submit as a part of the same) with regard to the number of refugees and the number and character of their arms. No casualties attended us in any of the above encounters except one United States soldier captured and several refugees. We took no prisoners, but the killed and wounded of the enemy must have been great. The refugees have been very quiet and orderly since their arrival in camp, and I understand that many of them evince a desire to enlist in the United States army.

Hoping that this will meet with your approval,

I am, very respectfully, your obedient servant,

H. M. DAY,

Colonel, Commanding U. S. Forces, Brazos Santiago.

Major GEO. B. DRAKE,

Assistant Adjutant General, Department of the Gulf.

Statement of the number of Mexican refugees at Brazos Santiago, Texas ; the number and character of their arms, amount of artillery, number of horses, &c.

Number of officers.....	13
Number of men.....	290
Muskets, calibre .69.....	27
Enfield rifles, calibre .58.....	195
Whitney muskets, calibre .58.....	24
Cavalry horses, with equipments.....	22
Mules.....	10
Six-pound rifled brass guns.....	3
Rounds of cartridges, different calibre.....	1, 200
Rounds of assorted ammunition.....	76

BRAZOS SANTIAGO, TEXAS, *September 14, 1864.*

I certify that the above statement is correct.

H. M. DAY,
Colonel, Commanding U. S. Forces.

Official :

GEORGE B. DRAKE, A. A. G.

HEADQUARTERS MILITARY DIVISION, WEST MISSISSIPPI,
New Orleans, September 14, 1864.

Respectfully forwarded to the Adjutant General of the army.
The action of Colonel Day is approved.

ED. R. S. CANBY,
Major General, Commanding.

Mr. Seward to Mr. Dayton.

No. 680.]

DEPARTMENT OF STATE,
Washington, October 15, 1864.

SIR: On the 7th instant I submitted to the Secretary of Navy, for his concurrence, the draught of my despatch to you (No. 675) relative to the adoption of precautionary measures in regard to the two clipper ships at St. Nazaire believed to be building for the insurgents.

I now give you a copy of Mr. Welles's reply of the 10th instant, together with a copy of his instructions to Commodore Craven, of the Niagara, and Captain Walke, of the Sacramento.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Welles to Mr. Seward.

NAVY DEPARTMENT,
Washington, October 10, 1864.

SIR: I herewith return the draught of a despatch proposed to be sent to Mr. Dayton, which accompanied your letter of the 7th instant, concerning the two clipper ships at St. Nazaire believed to be building for the insurgents.

The department is gratified to express its full concurrence in the precautionary measures indicated, and instructions will be given to our naval officers in European waters on the subject.

Very respectfully,

GIDEON WELLES,
Secretary of the Navy.

Hon. WILLIAM H. SEWARD,
Secretary of State.

P. S.—I herewith enclose copy of instructions given to Commodore Craven, of the Niagara, and Captain Walker, of the Sacramento.

Mr. Welles to Commodore Craven.

NAVY DEPARTMENT,
Washington, October 10. 1864.

SIR: From information received from a reliable source it appears that there are two clipper ships building at St. Nazaire, France, well adapted for war purposes, and there is good reason to believe that they are designed for the insurgents. Should these vessels be permitted to leave port under such circumstances as to warrant the belief that they are to make war against the United States, you will not hesitate to seize them and send them into one of our ports for adjudication.

The department desires you to place yourself in communication with our minister at Paris, Mr. Dayton, respecting these vessels, and regard any suggestions of his concerning them.

Very respectfully, &c.,

GIDEON WELLES,
Secretary of the Navy.

Commodore T. T. CRAVEN,
Comd'g U. S. S. Niagara, care of Hon. Mr. Dayton, Paris.

Mr. Seward to Mr. Dayton.

No. 681.]

DEPARTMENT OF STATE,
Washington, October 17, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch of the 29th of September, No. 542, and also of your despatch of the 30th of September, No. 543. The first of these papers is accompanied by a correspondence which has taken place between yourself and M. Drouyn de l'Huys on the subject of the detention of the insurgent cruisers at Bordeaux and Nantes. It is a ground of sincere satisfaction that you have since received from M. Drouyn de l'Huys assurances that the vessels at Nantes will not be suffered to pass into the hands of the insurgents.

I regret that in the discussion of this subject there arose an annoying cause for irritation on the part of the minister of France. The explanation you gave on that subject is approved, together with all your proceedings in regard to the question which is now disposed of in a manner which is equally compatible with the honor of both countries, and conducive to harmonious relations between them.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 549.]

PARIS, *October 17, 1864.*

SIR: I have received the enclosed slip, cut from the *Courier de Lyon*, from our vice-consul at that place. I send it, with its translation, in the hope and expectation that you may give it an explicit denial for publication at Lyons. Our vice-consul at that place says this statement, and others of the like kind, are interfering seriously with emigration to our country from that district of France.

The official or semi-official journals of this country constantly publish and republish matter of this kind. The whole government press of this country, so far as the same has come under my observation, seems, directly or indirectly, to make common cause against us. The fact that it does so keeps me in a state of anxiety for the future. It can have no object except to prepare the public mind for some future action if occasion shall arise for it.

I am, sir, your obedient servant,

WM. L. DAYTON.

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

[Extract from the *Courier de Lyon*.]

†

TRANSLATION.

On the 29th of August, 1864, the ship *Guerland*, from Anvers, with 251 French and Belgian emigrants, engaged as laborers, arrived at the entrance of Boston harbor. As soon as she was telegraphed, three steamers, having on board a company of federal soldiers, went to meet her. The passengers were ordered to sign a written engagement and to go on board the steamers. It was an engagement to serve as soldiers, and they could not obtain a translation thereof. They had been promised (as workmen) a premium of 500 francs and a week's salary, payable on their arrival. The soldiers wanted to force them to sign a paper they did not understand. They refused. They were kept for twenty-four hours on board the steamer without food. On the 31st some of the passengers, who had money, were landed in Boston at their own expense; the others (220) had to sign. They were transferred to a fort. The engagements were exhibited to them and translated. They were soldiers, and had to take the uniform. A Frenchman (*Sincrit*) and two Belgians (*Albreght* and *Verheyden*) refused the uniform and were put in irons. Those who obeyed received each \$100 in greenbacks.

Mr. Dayton to Mr. Seward.

No. 550.]

PARIS, *October 19, 1864.*

SIR: I send you the enclosed slips, (one cut from a French paper of yesterday, and the other cut from *Galvani* of this morning,) the first of which announces the sailing of a first detachment of six hundred men of the Belgian legion destined to Mexico, and the other the contemplated conveyance to Vera Cruz of four thousand two hundred volunteers enlisted in Austria. The enlistments in Europe for service in Mexico, it would seem from this and other notices I have observed, are quite prompt.

I am, sir, your obedient servant,

WM. L. DAYTON.

HON. WILLIAM H. SEWARD, &c., &c., &c.

[Extract.]

TRANSLATION.

In a despatch from St. Nazaire we noticed that the *Louisiana*, of the general transatlantic company, went to sea yesterday at three o'clock. She took the first detachment of 600 men of the Belgian legion enrolled for Mexico, 178 civilian passengers, and a full cargo of merchandise and material exported for carrying on of the war.

[Extract from Galignani.]

General Count de Thun has arrived in Paris, charged by the Mexican government to come to an arrangement with the Transatlantic Steam Navigation Company for the conveyance to Vera Cruz of 4,200 volunteers, enlisted in Austria.

Mr. Dayton to Mr. Seward.

No. 551.]

PARIS, October 19, 1864.

SIR: The *San Francisco*, one of the corvettes built at Nantes for the confederates, has just made her trial trip. She had on board three officers of the imperial navy. She made but twelve miles an hour, and scarcely gave satisfaction. But the presence of the three officers of the imperial navy on board proves clearly that the French government intended to deal fairly with us in reference to the trial trip of this vessel. The *Sphinx*, one of the iron-clads at Bordeaux, is about to leave. Her name has been changed to *Staerkodder*. She goes out in charge of Captain Pater, the same person who took out both the *Yeddo* and *Osacca*, and it is surmised she is bound for Denmark. As to the report referred to by Mr. Bigelow, that one of these vessels entered Bremerhaven under the Prussian flag, and left immediately under the confederate flag, which was copied into the *Moniteur*, it was in the first place untrue; and the government of France, if called upon for explanation, would have the ready response that this report was not published in the official part of the paper, but like any other news of interest, and for the accuracy of which they were not responsible. It is worse than useless, therefore, to make it the subject of inquiry. Scarcely a day, certainly not a week, passes in which there is not something in that journal which would call for inquiry more loudly than this.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,

Mr. Seward to Mr. Dayton.

No. 684.]

DEPARTMENT OF STATE,

Washington, October 19, 1864.

SIR: I have received your confidential despatch of the 7th of October. I learn, with much satisfaction, that one of the iron-clads at Bordeaux has been

sold by Arman to Denmark, and also that the government of Peru is in negotiation for the purchase of the two corvettes remaining at Nantes.

Your proceedings in regard thereto are fully approved by this department.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 685.]

DEPARTMENT OF STATE,

Washington, October 20, 1864.

SIR: I have to acknowledge the receipt of your despatch of the 7th instant, in reference to Cortinas crossing the Rio Grande with his forces into Texas, and, in reply, to inform you that your action in laying before M. Drouyn de l'Huys an explanation of the attitude of the government of the United States in this matter meets my approval. No further information on the subject than that contained in my instruction No. 677, of the 10th instant, has yet been received.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 552.]

PARIS, October 21, 1864.

SIR: I yesterday transferred to M. Drouyn de l'Huys the answer of Mr. Bigelow, our consul at Paris, to the comments which his excellency had some time since addressed to me on the report of Mr. Bigelow, dated 6th of June last, on the movements of commerce between France and the United States. I do not append to this despatch a copy of this last communication of Mr. Bigelow, for the reason that you have, without doubt, received a copy of it from the consulate.

M. Drouyn de l'Huys, on receiving it, said he would examine it with great care. This is all I could expect of him, as there is nothing practical expected to grow out of this correspondence.

M. Drouyn de l'Huys took occasion, in the course of the interview of yesterday, to say he had received from Washington very satisfactory explanations in reference to the action of our government in regard to the Mexican troops under Cortinas which recently crossed the Rio Grande into Texas. That these explanations were confirmatory, as he said, of what I have already told him.

I am, sir, your obedient servant,

WM. L. DAYTON.

HON. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 689.]

DEPARTMENT OF STATE,

Washington, October 26, 1864.

SIR: With reference to your despatches of the 29th and 30th ultimo, Nos. 542 and 543, concerning the disposal of the vessels building at Bordeaux and

Nantes, I have the pleasure of enclosing a copy of a letter of the 21st instant from the Secretary of the Navy, expressing satisfaction with the manner in which you conducted the correspondence to so favorable result.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Welles to Mr. Seward.

NAVY DEPARTMENT, *October 21, 1864.*

SIR: I have the honor to return herewith despatches Nos. 542 and 543 from Mr. Dayton, United States minister at Paris, which were transmitted to me with your letter of the 17th instant, relative to the vessels being constructed at Bordeaux and Nantes for war purposes, which it seems, from Mr. Dayton's despatches, are not to be permitted to pass into the hands of the insurgents.

The department is gratified at this announcement, and must be permitted to express its appreciation of the able manner in which our minister, Mr. Dayton, maintained the correspondence with the French government concerning the vessels in question, from which such satisfactory results have followed.

Very respectfully, &c.,

GIDEON WELLES,
Secretary of the Navy.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 555.]

PARIS, *October 28, 1864.*

SIR: I do not know that it is important to you to know the fact, but as our consul at Nantes has communicated it to me, I state to you that the two rebel corvettes built at that place have made their trial trips and returned into port. The Shanghai remained an hour only in port after her return, and then again went to sea. I am informed that a Mr. Delisle, who has been connected with the confederates at Paris, as said, went out in the Shanghai when she left the second time.

What may be the significance of this fact, if it be a fact, you can judge quite as well as I.

There is no news here, so far as I am aware, affecting us specially at the present moment.

The Emperor is at present on a visit to Nice, and it is said there will be an interview there between his Majesty and the Emperor of Russia.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 693.]

DEPARTMENT OF STATE,
Washington, October 31, 1864.

SIR: I enclose herewith a copy of a despatch of the 5th of October, and of its accompanying protest, from Lewis S. Ely, esq., our consul at Acapulco, relative to the seizure of the United States mail bag at that place, by order of the

commandant of the French forces there, who, it appears, instructed the vice-consul of France to break the seal and take possession of the contents of said bag, which was done while 'in transit from the American steamer Golden City to the office of Mr. Ely. You will at once make known the facts of the case to the French government, and ask that an explanation may be given of this unusual proceeding.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Ely to Mr. Seward.

CONSULATE UNITED STATES OF AMERICA,
Acapulco, October 5, 1864.

SIR: I have the honor to inform you that on the 30th day of September, A. D. 1864, the commandant of the French forces in Acapulco ordered the vice-consul of the French to seize the United States mail bag and to break the seal and take charge of the contents.

The bag was taken while in transit from American steamer Golden City to my office. Had the commandant required the mail matter, after I had opened the bag and found a public mail therein, I should have given it to him without protest, notwithstanding I am acting under an arrangement between the French consul and our consul at Panama, which was that I should open all mails coming into Acapulco and distribute and forward to address, which arrangement has not been disturbed until this sudden seizure of our mail bag and the seal violated. Hence I deemed it my duty to protest against the proceedings.

No plea of contraband matter or anything improper passing through the mails was set up, but an assumed arbitrary power was exercised in demolishing the sacredness of a government seal for civil purposes.

I have the honor to be, sir, your very obedient servant,

LEWIS S. ELY,

United States Consul.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Ely to the French Commandant.

CONSULATE UNITED STATES OF AMERICA, .
Acapulco, October 1, 1864.

SIR: I am informed, officially, that it was by your order that the United States mail, addressed under seal to the United States consul at Acapulco, was seized on the 30th day of September, A. D. 1864, the *seal broken*, and the contents removed beyond my reach.

As the land and naval forces of his Majesty the Emperor of the French here have no post roads or post routes, and as they perform no established postal service, and as the seizure of the United States mail was not done under cover of military surveillance, but by a civil officer of the French government, acting under your orders; and, more especially, as this mail service is performed by the United States of America, and the mails being forwarded to their legally constituted agent here, it becomes my duty to PROTEST, in the name of my

government, and in this solemn manner, against the seizure, and against all and every person or persons whom it doth or may concern.

[L. S.] Given under my hand and the seal of this consulate the day and year above written.

LEWIS S. ELY,
United States Consul.

The COMMANDANT of the *Land Forces of*
his Majesty the Emperor of the French in Acapulco.

Mr. Dayton to Mr. Seward.

No. 556.]

PARIS, November 4, 1864.

SIR: Your despatches, from No. 669 to No. 683, both inclusive, have been duly received.

I am especially glad to find that you so cordially approve my action in reference to the vessels which have been so long in the course of construction for the confederates at Bordeaux and Nantes. I accepted the assurance of this government that they should not be delivered to the confederates, as well from respect to this government as from sound policy. We have no force here which could at all interfere with the French iron-clads, with which it was threatened to convoy them if necessary on their trial trips, and it was certainly bad policy to get in difficulty with this government on such a question if we could avoid it. But the corvettes at Nantes have now made their trial trips and returned into port.

One of them, our consul at that port reports to me, made fourteen and a half knots, and the other sixteen knots per hour, an extraordinary speed. Peru, it is said, is yet negotiating for one or both of them. Commodore Craven, of the United States ship *Niagara*, has been to see me, according to orders recently sent from Mr. Welles. I have informed him of the present condition of things in respect to these vessels, and the understanding between myself and this government, which had been approved by you. Indeed, I have read to him your despatch No. 681. He will, therefore, not feel it his duty, under the circumstances, to attempt to seize either of those vessels built at Nantes. The description of these vessels made to you, and a copy of which you have forwarded to me, to be shown to M. Drouyn de l'Huys, is, in the existing condition of things, of no use. You will recollect, too, that I have already on my files a copy of the contract under which these vessels are built, and, of course, much more accurate than any description, made by a casual visitor on an outside inspection, can possibly be. Of this contract you have long had a copy on the files of the State Department, and M. Drouyn de l'Huys has likewise a copy on his files. Some person or persons are constantly writing descriptions and information about these vessels, which are not of the slightest service, and of which to suppose us ignorant is to suppose our consul at Nantes (a most intelligent and trustworthy officer) inattentive to the most obvious requirements of official duty.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 557.]

PARIS, *November 4, 1864.*

SIR: I visited M. Drouyn de l'Huys on yesterday for the purpose of communicating to him more in detail the orders and proceedings of our government in reference to Cortinas and his force which crossed the Rio Grande into Texas. The papers which you forwarded to me on this subject were shown to him. They contained, in substance, little that I had not already said to him, and with which, when I communicated it to him heretofore, he seemed entirely satisfied. If, on reflection, he is disposed to complain, I suppose I will hear from him in writing.

I am, sir, your obedient servant,

WM. L. DAYTON.

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Hunter to Mr. Dayton.

No. 695.]

DEPARTMENT OF STATE,
Washington, November 7, 1864.

SIR: I have to acknowledge the receipt of your despatch of the 21st ultimo, No. 552, relative to the answer of Mr. Bigelow, consul at Paris, to the comments of his excellency upon a previous report of Mr. Bigelow on the movements of commerce between France and the United States, and to the satisfaction expressed by M. Drouyn de l'Huys with the action of the government of the United States in regard to the Mexican troops under Cortinas which recently crossed the Rio Grande into Texas, and, in reply, to express my approval thereof.

I am, sir, your obedient servant,

W. HUNTER,
Acting Secretary.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Hunter to Mr. Dayton.

No. 697.]

DEPARTMENT OF STATE,
Washington, November 7, 1864.

SIR: I have to acknowledge the receipt of your despatch of the 19th ultimo, No. 551, and to express my interest in the information therein contained relative to the trial trip of the corvette San Francisco; the change in the name of the iron-clad Sphinx to that of the Staerkodder, which is surmised to be bound for Denmark, and to the falsity of the reports contained in the "Moniteur" concerning the movement of alleged insurgent vessels-of-war.

I am, sir, your obedient servant,

W. HUNTER,
Acting Secretary.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 559.]

PARIS, *November 8, 1864.*

SIR : You will doubtless have observed that M. Galvez, the minister from Peru at this court, has been recently recalled and a successor appointed to the post. At our last interview M. Drouyn de l'Huys informed me that he had again recently communicated the views of France to Spain urging peace between her and Peru. He says, furthermore, that Mr. Mercier, the new ambassador to that court, will go out specially instructed to do what he can in the interest of peace between those two countries. These things were mentioned to me incidentally, and not, as it seemed to me, with any special view to have them communicated by me to your department.

I am, sir, your obedient servant,

WM. L. DAYTON.

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 560.]

PARIS, *November 8, 1864.*

SIR : A letter received from Commodore Craven, of United States ship Niagara, sent to me last night, informed me that Mr. Morse, United States consul at London, has sent a report to him that Captain Semmes, late of the Alabama, is at Cape Bajado, on the coast of Africa, with the Sea King and two other ships, preparing for a cruise, and it was suggested that Commodore Craven should go with the Niagara to that port. He sought to obtain my advice or direction in this matter. I told him the information was too vague and unreliable to justify me in advising so distant a cruise, but if he had full confidence in the correctness of this information to go, not otherwise. The point indicated is about 2,200 or 2,400 miles from Antwerp, where the Niagara now lies, and which port he was directed by the Secretary of the Navy to make his headquarters. I left the matter, therefore, to his own judgment, and am not aware as yet to what conclusion he will come. I have so frequently been deceived by these reports coming through Mr. Morse that I have little confidence in their reliability.

I sincerely hope that the account we have received of the taking of the Florida in the harbor of Bahia may be an erroneous statement of the facts, or, if it be a correct statement of facts, then that the action of the United States consul and the captain of the Wachusett may be promptly disclaimed and they punished. The accounts published in all the European papers (the Moniteur among the rest) make it out to be a gross outrage on Brazil, committed after express warning from her authorities, and an express promise on the part of our consul to respect the neutrality of the port. I cannot believe that the facts are correctly stated. If they are, it would be better for us that the Florida was yet in the hands of the confederates.

I am, sir, your obedient servant,

WM. L. DAYTON.

HON. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 699.]

DEPARTMENT OF STATE,

Washington, November 15, 1864.

SIR: I have to acknowledge the receipt of your despatch of the 17th ultimo, No. 549, transmitting a slip from the *Courier de Lyon* in regard to the alleged improper enlistment of certain French and Belgian emigrants who arrived at Boston in the ship *Guerland*, and informing me that our vice-consul at Lyons says that the statement referred to, and others of a similar kind, are interfering seriously with emigration to the United States from that district of France.

Complaints upon this subject have been received at the department from some individuals directly, and from others through Baron Grabow, the chargé of Prussia, and Mr. Blondeel, the minister from Belgium. Explanations have consequently been asked, both of the War Department and of the governor of Massachusetts, the persons referred to having been incorporated in regiments of that State.

A copy of a reply of Governor Andrew is herewith transmitted. It seems to be a fair and even satisfactory statement of the case, and may, in substance, be made use of towards correcting the misrepresentations which are the subject of your despatch.

I am, sir, your obedient servant.

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Governor Andrew to Mr. Seward.

COMMONWEALTH OF MASSACHUSETTS,
Executive Department, Boston, November 4, 1864.

SIR: I have the honor to acknowledge receipt from the Department of State of the communication addressed to Mr. John P. Cumming, superintendent of immigration at New York, and by you referred to this department, from Jean Barbier, jr., and others, who claim to have been deceived and unfairly enlisted into the military service of the United States, whose complaints you desire me investigate.

In reply, I have the honor to enclose the report of Lieutenant Colonel Wm. S. King, 35th Massachusetts volunteers, superintendent of recruits in Massachusetts, who was personally present when the men in question were landed and mustered, and to whose regiment they have been assigned by the War Department.

The difficulty under which Barbier appears to labor would probably be obviated by informing him that in this country a substitute, as soon as mustered, stands upon the same footing as to promotion (as in all other respects) as a volunteer; indeed, is a volunteer.

With regard to Krone and Papot, their complaints are entirely groundless. It is beyond a doubt that they came here to be soldiers, were knowingly mustered as such, and are to be regarded, and should be treated, simply as deserters.

I have the honor also to acknowledge the receipt of several documents from the Department of State of the United States, covering similar cases of complaints, which are all in process of investigation, and will be the subject of early and careful replies as soon as it is possible to complete the needful inquiries.

If the specific subject-matter of this communication seems to require any further attention or report from me, I beg you to command me.

Meanwhile, I am, respectfully, your most obedient servant,

JOHN A. ANDREW,

Governor of Massachusetts.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., Washington, D. C.

HEADQUARTERS SUP'T OF RECRUITING FOR MASSACHUSETTS,

Boston, October 20, 1864.

SIR: I have the honor to acknowledge receipt of the papers from the Department of State, enclosing communications from "Jean Barbier, jr., and others, who claim to have been deceived and unfairly enlisted into the military service of the United States," which you have referred to me as superintendent of recruiting in Massachusetts; and, in reply, I respectfully state that these men, Barbier, Krone, and Papot, who aver that they were told at Hamburg that they were to work at their professions and not going into military service, were, on the contrary, informed previous to their sailing, by government officials at Antwerp and Hamburg, that they were going to the United States to enlist as soldiers, and that if any one of them wished to withdraw he was at perfect liberty so to do. A certificate to this effect, if obtained in season, will be found hereto appended, marked B. That upon their arrival at this port they were landed at Deer island, occupied exclusively by one of the charitable institutions of Boston, for the purpose of keeping the men out of the hands of sharpers; and that the Boston harbor police were on duty there to prevent depredations upon the city property and to quell the disturbances that arose among the men themselves. That they were there informed of the nature of the obligations they were about to assume by Dr. Jeffries, who speaks both French and German, whose high character is known to your excellency, and is a sufficient guarantee of the fidelity of his transactions and explanations, and whose statement is hereto appended, marked A.

That, so far from expecting to be employed in trades, their attention was pointed to myself as the commander of the regiment to which they were to be attached; and several of them, at their own request, were presented to me, and in particular the man Barbier, who preferred a request to be promoted as soon as possible; to which I replied that he would be recommended for promotion as soon as he had acquired a sufficient knowledge of our language and shown himself qualified to hold a commission. That others, who were rejected by the examining surgeon as physically unfit for the service, loudly appealed to me to accept them as soldiers, declaring that they came for that sole purpose; and no one of them could have been so simple as really to believe that even the philanthropists of Boston would pay \$64 for the passage and bestow a bounty of \$100 to induce an emigrant to come to America to work at his trade. That in no case whatever was compulsion used, nor could any single person there doubt the purpose for which the papers were submitted for their signatures. Our officers were in uniform, the general conversation was of their destination, the very camp on Galloup's island to which they were to be conveyed was in plain sight, and was shown to them, dotted with its white tents and barracks, and upon the departure of the first squad of about 100 for the camp, the others, thinking that they had been rejected as recruits, broke out into violent demonstrations of disappointment and anger, and were only appeased by the assurances given them that they, too, would go to camp as soon as the formalities of enlistment could be completed.

That as to the loss of clothing to the amount of \$200 each, which was complained of, he would have been a rash speculator who would have given \$200 for the entire wardrobes of the whole party of nearly 400 men.

The difficulty with Barbier, who appeared to be a gentleman of education and had held a military commission, would seem to be his misapprehension of the position of a substitute in our service, and his ignorance of the fact that when mustered he stands on the same footing as to position and opportunities for promotion with any other volunteer. If this were explained to him, I think his discontent would cease.

Believing that this explanation covers every point presented in the complaint, I have the honor to be, very respectfully, your obedient servant,

WM. S. KING,

Lt. Col. 35th Mass. Vol. Inf'y, and Sup't of Recruiting.

His Excellency the GOVERNOR OF MASSACHUSETTS.

A.

HEADQUARTERS SUP'T OF RECRUITING FOR MASSACHUSETTS,
Faneuil Hall, Boston, October 19, 1864.

COLONEL: In so far as the communication you send me relates to myself, I would respectfully report the following: I happened to have examined this man, Jean Barbier, and to have had considerable conversation with him on my own part, and as interpreter between yourself and him. I also acted as interpreter for the provost marshals when the men were sworn into the service, both in French and German. In this capacity I acted honestly and faithfully, and took a great deal of time to explain and translate the oath to the men before and at the time of their being sworn in.

I do not remember to have had the conversation which private Barbier says I had with him; but if I did, my answer was correct, as the money he received would have no effect upon his promotion. It was not a bounty, substitutes receiving none from the United States or the State of Massachusetts. I explained to the men that they served in the place of some one who paid their expenses and the \$100 they received. In reference to any compulsion, I would say that as there were none but infantry regiments open to those not speaking the English language, I myself, by personal application, succeeded in obtaining places in cavalry regiments for two or three men, which places they finally would not take, and did not, therefore, enter the service at all.

By conversation with the men I ascertained that they came here to be soldiers, although, as they told me themselves, this could not of course be expressed in the contract which they all signed before embarking from Europe, for fear of international difficulty. I saw the contract printed in the English and foreign languages, and there was nothing in it in reference to being soldiers. The men knew they were making another with the United States when they were sworn in, which was in no way compulsory and not connected with the other. They said they were promised \$100 in United States money and a free passage, which they received. I was greatly annoyed by those whom I rejected being clamorous to go with the others, they saying that they did not come here to work, but to be soldiers. Some of them showed me their papers, proving they had served at home and were recently discharged, and they felt on that account they ought to be fit for soldiers here.

I remain, colonel, respectfully,

B. J. JEFFRIES.

Surgeon Mass. Vol. Militia.

Lieut. Col. WM. S. KING,

Superintendent of Recruiting, Mass.

DEPARTMENT OF STATE,
Washington, October 12, 1864.

SIR: I have the honor to enclose herewith, for your information, a copy of a communication addressed to Mr. John P. Cumming, superintendent of immigration at New York, and by him referred to this department, from Jean Barbier, jr., and others, who claim to have been deceived and unlawfully enlisted into the military service of the United States.

I will thank you to investigate the matter, and to advise me of your opinion thereon.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

His Excellency JOHN A. ANDREW,
&c., &c., Boston.

COMMONWEALTH OF MASSACHUSETTS,
Executive Department, Boston, November 12, 1864.

Sir: In reply to the communication of October 8, which I had the honor to receive from you, covering a copy of a note from the consul general of Switzerland, with regard to the cases of Uster and others, recruits in the military service of the United States, concerning which cases you request me to cause investigation to be made, I herewith forward to you a letter addressed to me by M. D. Ross, esq., who is mentioned in the complaint of Uster and others as the person by whom they had been wronged.

I also forward herewith a copy of the report mentioned by Mr. Ross as having been made to me by Messrs. Forbes, Reed, and Dalton, in April last, whom I had requested to investigate the complaints made of ill treatment of the earlier emigrants.

In the same connexion, I beg to refer you, for additional information, to the communication addressed by me to you on this same general subject, under date of November 4, and to the reports of Lieutenant Colonel King, superintendent of recruiting service, and Surgeon B. J. Jeffries, which were therewith enclosed.

The general conclusion to which I arrive with regard to all the men brought here by Messrs. Allen and Ross is, that they all came for the express purpose of entering the military service—a purpose distinctly understood by each one of them before leaving Europe; that there was no deceit practiced upon them; that their enlistment upon arrival here was voluntary; and that those who now complain of fraudulent treatment do so without reasonable grounds, and probably in the hope that, by making a disturbance now, some pecuniary benefit may arrive to them, either by way of their premature discharge from the service which they contracted for by their voluntary enlistment, or by way of extorting from the parties who brought them over that portion of their military bounties which they assigned to those parties in reimbursement of the expenses and risks of bringing them over.

In this same connexion, I beg to make mention letters of Major F. N. Clarke, 5th artillery regulars, acting assistant provost marshal general, dated October 15 and October 21, addressed to Brigadier General Fry, Provost Marshal General of the United States, (with the documents thereto annexed,) as confirming this view of the subject. Those letters are, I presume, on the files of the War Department.

I have the honor to remain, with great respect, your obedient servant,

JOHN A. ANDREW,
Governor of Massachusetts.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Boston, *November 9, 1864.*

GOVERNOR: The documents referred to me, under date of October 12, by your excellency, "for such remarks as I might deem proper to make," received my immediate attention, and have been carefully read and considered.

Said documents set forth a complaint on the part of certain persons claiming to be natives of Switzerland, alleging that they have been forcibly made soldiers in the army of the United States, and that, "at the instance of a certain Charles Fisher, they have been advised to seek to be released from military service." I have delayed my report upon this subject in order that the lapse of a little time might develop some facts which would be of use. Although the documents in question do not make such specific or definite statements as to render it certain that the complaining party is in any way identified with any transactions in which I have been concerned, yet I have but very little doubt that these Swiss are some men who came from Antwerp to Boston in one of several vessels consigned to my care, bringing in all several hundred persons who emigrated to this country for the sole purpose of enlisting in the United States army, whilst I have acted on the part of citizens of Massachusetts in furnishing them with the means necessary to come to the country as well as to facilitate their enlistment into the army after their arrival here. The statement made by these men is, however, so extravagant and so at variance with the truth—provided it should be made to appear that they are men with whom I have had anything to do—that I am entirely at a loss to know how to make a specific reply to their complaints, beyond a general denial of their truth, because I have no knowledge whatever of any such transactions as they allude to.

But in order that all parties concerned may be able to form a correct conclusion as to whether these men have or have not any cause to complain of ill treatment by myself or associates, I will give, in brief, a general outline of that experiment on the part of citizens of Massachusetts for encouraging European emigration; and then, if it should eventually be made to appear that these men were included in our transactions, their case may be more clearly understood than as represented in their document.

Soon after the war broke out in the United States it became apparent that the great demand for men for the army, as well as for laborers on the farms and in the workshops of the country, had given a great stimulus to the surplus unemployed population of Europe to emigrate and avail itself of the means of employment so readily to be obtained here. President Lincoln had suggested in his messages to Congress that foreign emigration should be encouraged, and Congress had legislated to that end. Availing ourselves of information obtained from European correspondents, in Germany especially, that there were thousands of young able-bodied men there who were anxious to emigrate to this country for the purpose of engaging in our military service, provided a free passage could be secured to them, and provided some responsible party could secure to them a specified sum of money and an opportunity to enlist immediately on their arrival in the United States, and taking into view the recommendation of the President and the legislation of Congress on the subject of encouraging European emigration, in connexion with the above-named facts and the great demand for men, it was determined on the part of a few of our patriotic citizens to try the experiment, which seemed to be so clearly suggested by Congress as well as by the people of Europe who wished to come here. An arrangement was made with Mr. Julian Allen, a well-known citizen of New York, to go to Europe with means at his command to furnish a free passage and pay all expenses necessary to the comfort of, say, 200 men from some European port to Boston; and although some of the parties who furnished the means for this experiment were actively interested in aid of other plans for bringing over emigrants, skilled

mechanics, for our factories and machine shops, &c., yet this scheme, represented by Mr. Allen in Europe, and myself in Boston, was intended and distinctly understood by all concerned to be for the sole purpose of facilitating the immigration of able-bodied men who wished to come here for the sole purpose of enlisting in the United States army.

In April of this year about 213 men were forwarded by Mr. Allen from Hamburg, *via* Hull and Liverpool, in England, to Portland, Maine, and thence by railroad to Boston, there being no steamers carrying emigrants direct to Boston from any European ports. I herewith submit a copy of the contract under which these men agreed to come. They were tampered with on the passage by men who offered them large bounties, provided they would go with them and enter the southern confederate army; and others, known as runners and brokers in the recruiting service, offered them extra bounties and persuasive arguments to induce them to violate their agreement with Mr. Allen, and enlist in the State of Maine. Trusting as we did in their good faith, we made no special provision to guard against such influences, and the result was that we lost about one-quarter of our men, who got into the hands of the runners and brokers in Portland, Boston, and some from New York; thus also involving us in a heavy pecuniary loss, for the expenses were, from various causes, swollen to a very large sum over our estimates and expectations. About 60 of these men, notwithstanding all the adverse influences thus brought to bear upon them, eagerly volunteered into the 20th Massachusetts regiment, and were apparently well satisfied with the treatment they had received on our part. Soon after their transfer to Galloup's island as enlisted soldiers, they were sought out by the same class of men who tampered with them before they enlisted, and were persuaded to make complaints that they had been cheated, &c. They also were induced to complain of ill treatment by the United States authorities, &c. Your excellency deemed it advisable, on my request, to appoint a commission to investigate and report upon the facts in the case as to whether these men had been fairly treated or not. I also requested an expression of opinion as to the propriety of continuing to encourage this class of emigration in the light of the experience thus granted. I beg to refer to the report of Messrs. Forbes, Reed, and Dalton, who constituted your commission, for information as to the result of this first experiment, so far as it may be necessary to determine whether the emigrants were fairly treated or not.

Our experience taught us thus far that in any future operations, in order to insure success, we must charter vessels to be under our own control, not only that we might guard the men against the influences of secessionists, and runners and brokers, but also to secure to the men a comfortable passage; for although we had paid unusual sums of money to secure comforts for the 213 of the first experiment, we have reason to believe that they did not receive *all* that we paid for, and which they would have received but for the coming in contact with avaricious influences not under our control to prevent. The result of the experiment, however, being nevertheless satisfactory, not only to the emigrants, but also to our citizens, larger means were provided, and three ships—one steamer and two sailing vessels—were chartered, which sailed from Antwerp direct for Boston, bringing in all over 900 men, all of whom I have the most reliable means of knowing embarked at Antwerp at their own solicitations, and with the most distinct understanding that they wished to enlist in the United States army immediately on their arrival in Boston.

They nearly all signed a document, a copy of which I herewith submit with a sample of a few of their signatures. The exceptions where this document was not signed were, as I am informed by Mr. Allen, as well as by the men themselves, simply by accidental omission. On the arrival of the men in Boston harbor, having been warned in various ways that a strenuous and determined effort would be made to induce them to violate their agreement with us, we deter-

mined to guard against such influences if possible, and accordingly, at great expense, we provided barracks on Deer island for their reception and accommodation. This island being owned by the city of Boston, and nearly all occupied by schools, hospitals, and industrial institutions, we only obtained permission from the directors of those institutions to occupy any portion of the island on condition that we would procure from the city authorities a police force sufficient to protect the island from persons who would, from curiosity or otherwise, be inclined to assemble there, and thus disturb the institutions and injure the gardens and cultivated fields about the institutions, and also to prevent our emigrants from rambling over the premises devoted to the institutions. Such a police force was granted by the city authorities, and was present on the island when the emigrants were landed, and was there for the sole purposes above named, and for no other purpose. It may be proper here to remark, that so far as the emigrants themselves were concerned, the only precaution found by experience to be necessary on our part was to see that no unnecessary delay should exist in facilitating the enlistment. They were impatient to enlist, and the least delay which they could not see the necessity for caused them to feel a distrust, and fear that there might be a failure *on our part* to enable them to do so.

The point to which I wish to call attention is, that all their enlistment contracts were made voluntarily by themselves after their arrival here. Upon arrival each one was free to enlist or not, as he should choose. So far as we were concerned, we had simply advanced a large sum of money, and incurred an extraordinary risk, based simply on their verbally expressed desire to enlist after they should arrive here, they having executed papers binding themselves to transfer their bounties to us provided they should enlist, in order to reimburse our outlay for their transportation and expense. The bargain with the men was simply a civil contract with Julian Allen to procure them a free passage to the United States at all events, and then to pay them \$100 after entering into such employment as I should designate, which they understood, as well as I did, would be that of a soldier. We did not seek to make a contract *binding them to enlist*. We trusted to their honor and to our knowledge that they had no desire to do otherwise than enlist; and, therefore, when the men were landed on Deer island, they then and there voluntarily, by their words and acts, did enlist, free from all exercise of force or compulsion.

To this disposition on the part of the emigrants to carry out voluntarily and in every respect the spirit and intent of the agreement with Mr. Allen there were a few exceptions. One man who came on the steamer Bellona acknowledged that he was naturally a coward and feared to enter the army. He offered himself, however, to the surgeon for examination, and was accepted as sound in body; but when he came to be mustered and to take the oath of allegiance his courage failed. Some two or three others made evasive excuses for not enlisting, until it became evident that they were dishonest men who did not intend to carry out in good faith their understanding with Mr. Allen. As soon as this was ascertained, we gave them to understand that they were at liberty to leave our premises in freedom to go where they chose; and even under these circumstances, notwithstanding their dishonesty, we provided them with the means of immediate support, not being willing that they should be a burden on the community. One of the sailing vessels had on board 27 men, who, as it subsequently appeared, came here under the influence of a dishonest man who had formerly lived in New York, and who, under pretence of coming here to enlist in the army, got on board at Antwerp and induced these 27 men to refuse to land on Deer island. As we had no disposition, or right, or power, to force these men to enlist, we thereupon adopted what seemed to be the wisest expedient of getting rid of them, which was to pay their passage to New York, where they wished to go. All the rest of the men voluntarily landed and eagerly enlisted, with the exception above named; those who, from physical

infirmities, were rejected by the surgeons, being greatly disappointed. These were provided with employment immediately, or were given means to go to New York or elsewhere, according to their expressed wishes.

As to the charges made by the Swiss complainants (if they are a part of the men who came here consigned to my care) that they were enlisted by force, &c., I know of no other way than by simply saying that it is all a mere fabrication without having the slightest foundation in truth; and I desire to say in conclusion, as comprehending the point and gist of the whole matter, that there was no compulsion of any kind whatsoever exercised over any man brought by us from Europe; but that the enlistment of each such man, upon his arrival here, was voluntarily and of his own free choice; and that each such man, upon his arrival here, was absolutely and completely free from any physical, legal, or other restraint whatsoever, as to whether he should or should not so enlist.

If there should be a necessity to procure other evidence beyond my own statement, I would advise that the evidence of the United States enlisting officers and paymasters who were present on Deer island should be obtained. Several of our citizens were also present, assisting in the business of enlisting the men. Everything was done openly and aboveboard, and the men being all cheerful and constantly animating and cheering all present by their manifestations of happiness on having their condition changed from what it had been to that of a United States soldier. I will make no comment upon what the Swiss complainants say about what they caused to be published in the newspapers, except that I will say that I never saw the article which they state they published, nor did I know that such a newspaper existed; and as for my replying and calling them paupers, &c., I have never, either directly or indirectly, made any communication whatever through the newspapers about these men in any shape or form.

I presume these men have been told by bad men having some selfish end in view that such had been my action. The fact is, that were it necessary or could any good result from it, many things might be related in this report detailing the means that have been resorted to by bad men to make these emigrants discontented with the lot of their free choice.

Having thus given a general outline of facts which will enable the authorities at Washington to judge whether it is likely that any wrong has been done towards the Swiss or not, I submit what I have said with respect, and will be most happy to furnish any other facts within my power, should they be called for.

I have the honor to remain your excellency's obedient servant,

M. D. ROSS.

His Excellency JOHN A. ANDREW,
Governor of Massachusetts.

Boston, *April 25, 1864.*

GENTLEMEN: I beg to refer to you the within papers:

1. A complaint by Lieutenant Colonel Johnson, of the veteran reserve corps, commanding United States draft rendezvous at Galloup's island, that certain German recruits for the 20th Massachusetts volunteer infantry "have been wronged."

2. A letter of M. D. Ross, esq., in answer to a copy of Lieutenant Colonel Johnson's complaint, which I transmitted to him.

I will be much obliged if you will act as such a committee as Mr. Ross requests, and will report to me on the whole subject: 1st. As to whether any wrong has been done; and if so, as to what measure of redress is due from me. 2d. As to the expediency of Mr. Ross's plan of bringing more German recruits to Massachusetts. 3d. As to any action which I can properly take to encourage it.

If you need any official documents, copies of bounty statutes, &c., in pursuing this investigation, a mention to my military secretary of what you need will immediately procure copies for you. I regard this subject as of great importance, not only as helping towards our quota, but also as helping to preserve our old regimental organizations. The 20th regiment has already been filled to the maximum from this source, and it is proposed next to fill up the 2d. Colonel Macey, of the 20th, who has attended to the reception of the recruits for that regiment, is in a position to give you valuable information concerning it.

Please to return to me, at your convenience, the letters of Lieutenant Colonel Johnson and Mr. Ross.

I have the honor to be, very truly, yours,

JOHN A. ANDREW,
Governor of Massachusetts.

JOHN M. FORBES, Esq.
Brig. Gen. JOHN H. REED,
Quartermaster General.
Col. CHAS. H. DALTON,
Asst. Quartermaster General.

Boston, April 27, 1864.

GOVERNOR: In reply to your communication of 25th instant, we beg respectfully to report that we have carefully read the communications submitted to us relating to the alleged complaints as to the enlistment of certain German recruits now in the 20th Massachusetts volunteer regiment, namely, a letter from Lieutenant Colonel Johnston, and a letter from M. D. Ross, esq., and other papers.

Also, that Colonel Johnston has politely met us, and freely informed us of what knowledge he had upon the subject, as well as Lieutenant Magnitsky, an intelligent German officer in 20th Massachusetts volunteers, who has made himself personally familiar with the feelings of the aforesaid emigrants; also, Dr. B. Joy Jeffries, examining surgeon of said recruits, who has freely conversed with all the men in their own tongue; also, Messrs. Ross and Brown.

We have examined various original contracts and assignments of bounties and other papers, and believe we have enjoyed ample opportunities for arriving at a just opinion in the premises.

In reply to query 1, "as to whether any wrong has been done, and if so, as to what measure of redress is due from me," we have to reply that we believe no wrong has been done; but, on the contrary, we have convincing evidence that Mr. Ross and associates have much more than fulfilled their obligations to the men, in which Colonel Johnston fully concurs after examining the facts.

Query 2, "as to the expediency of Mr. Ross's plan of bringing more Germans to Massachusetts," we are of the opinion that the plan pursued by Mr. Ross, or any similar one, for facilitating the emigration of able-bodied men, will result to the mutual advantage of the emigrant and the Commonwealth, and advise that it be allowed to continue.

Query 3, "as to any action which I can properly take to encourage it," we recommend that Mr. Ross and associates receive all aid, encouragement, and protection, so far as you can lawfully extend it, upon evidence that they will faithfully perform their part of such contract as they make, and that the emigrants themselves are carefully informed of their own obligations previous to leaving their homes.

We beg to add that we believe your excellency need entertain no anxiety in regard to the actual experiences of the men in question, as, from all the evidence we have had before us, we assure you that we believe the men were satisfied with their treatment up to the time of their arrival at Galloup's island, and that

any complaints they have made to the commandants, or which have come to your knowledge from other sources, were induced by the intermeddling of interested parties, who, in our judgment, are unworthy of further consideration. Finally, we have reason to believe that the men in question, in addition to a free and comfortable passage to this country, have received a larger pecuniary consideration than many of their American comrades.

We return the papers submitted, and have the honor to be, very respectfully,
your obedient servants,

J. M. FORBES.
JOHN H. REED,
Quartermaster General.
C. H. DALTON.

His Excellency JOHN A. ANDREW.

COMMONWEALTH OF MASSACHUSETTS,
Executive Department, Boston, Nov, 12, 1864.

SIR: In reply to the communications I have had the honor to receive from you under dates of October 21 and October 29, covering copies of notes from his excellency the minister of Belgium, I beg leave to make reference to my letters to you of November 4 and of the present date, with regard to certain emigrants brought to Boston by Messrs. Allen and Ross, as covering all the points in the cases in question.

I am satisfied, on investigation, that the enlistments of all the men in question were voluntary, and that any allegations of force being employed toward them to induce them to enlist are untrue; and I do not discover any evidence of any fraud practiced against them in the transaction.

I have the honor to be, sir, your obedient servant,

JOHN A. ANDREW.

Hon. WILLIAM H. SEWARD,
Secretary of State.

COMMONWEALTH OF MASSACHUSETTS,
Executive Department, Boston, Nov. 18, 1864.

SIR: Referring to the communications I have had the honor to address to you under dates of November 4 and November 12, in reference to your inquiries concerning the matter of the enlistment of foreigners at Boston, about which complaints had been made through the Swiss, Belgian, and Prussian legations, I further enclose to you, herewith, a copy of the journal *L'Etoile Belge*, being the number printed at Brussels on October 31, which contains a communication from Mr. L. A. Dochez on this general subject.

All the information which I have gathered on the subject goes to sustain the correctness of this statement of M. Dochez; and I respectfully suggest that the attention of the foreign ministers who have communicated to the Department of State the complaints mentioned be invited to this statement.

I have the honor to remain, sir, with great respect, your obedient servant,
JOHN A. ANDREW,

Governor of Massachusetts.

I also enclose a translation which I have caused to be made of those portions of the statement of M. Dochez which relate to the emigrants for our military service.

J. A. A.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[Translation from *L'Etoile Belge* of October 31, 1864.]

To the Editor of L'Etoile Belge :

SIR : In your number of the 13th of October you reproduced an article from the *Courier des Etats-Unis* containing a letter dated at New York, September 20, and signed by four emigrants, who complained bitterly of having been induced by my solicitations to quit Belgium for the United States of America. These emigrants say that I made them false promises; that they emigrated expecting to engage in civil occupations there, and not to enlist as soldiers; that they have been treated like dogs; and, finally, that they were turned loose in a foreign city, having been presented with only one shirt and \$7.

On October 14, accepting as veracious these allegations of the *Courier des Etats-Unis*, you denounce me as a "dealer in human flesh," and you say that I have "seduced away from their families many hundreds of young men, who have been led to the shambles like a herd of slaves," and you call the attention of the public authorities to the pretended facts which you lay to my charge.

On October 16, instead of publishing the answer which I addressed to you, you insert only four lines of it, and you declare that you adhere to the version of the *Courier des Etats-Unis*, for the reason that it is in a better position than you "to appreciate the value of the complaints of which it has made itself the organ."

Finally, on October 18 you reproduced an article from the *Organne des Mons*, which pretends to have knowledge of a pretended despatch from our consul at New York, saying that the Belgian laborers who have found work in the American mining districts earn no larger wages than at home, and impugning my authority to represent American companies.

I find myself, therefore, obliged to reply to your four articles in one response and to summon you, this time by an officer of the law, to give insertion to my reply.

There is, sir, one powerful reason which should have made you suspicious of the veracity of the allegations contained in the *Courier des Etats-Unis*. You are well aware that this Bonapartist and pro-slavery journal makes war to the knife against the government of the United States, and that the approach of the presidential election has redoubled the violence of the attacks of this partisan of the south against the defenders of the Union, whom it calls the "republican butchers of the north." Nor are you less aware, sir, that political parties in the United States, as in Belgium, are only too often too careless of the morality of the means by aid of which they hope to triumph over their adversaries. What would you say if in foreign countries one should assume as literally true the accusations which certain Belgian newspapers sometimes prefer against the government of our country?

But however that may be, it is to me, in my capacity of agent of the bureau of emigration, No. 2 Rue de Brabant, Brussels, that the accusations of which your journal and certain others have made themselves echoes do especial outrage, and against me that they are especially directed. And they being so directed, since you have invoked the attention of the public authorities to them, I have been expecting that the subject would be made matter of judicial investigation. I regret having now to recognize that your denunciations have not been followed up in that manner, and that no prosecution has been initiated against me; for thereby I have missed an opportunity to establish by legal proofs that my conduct has been no other than honorable and loyal. But if it is true that the laws of my country have in no way been offended by me, the denunciations of the press remain none the less prejudicial to public opinion, and I value too much the esteem of my fellow-citizens not to regard it as a duty to disprove those denunciations to their satisfaction. For that purpose a bare statement of the facts is quite sufficient.

Since I returned from the United States in June, 1863, I have been engaged in two distinct enterprises of emigration from Belgium.

The object of the first was to engage artisans for civil labor in the United States, and especially miners for the mines in the State of Illinois. In this enterprise I acted as agent of various American corporations, and, among others, of those who work the most important oil mines of the western States.

* * * * *

The second enterprise of emigration in which I have co-operated commenced during the month of July, 1864, and was completed on September 7. It had for its purpose to facilitate the transportation of Belgians desirous to enlist in the military service of the United States; and it was for this enterprise that I opened the bureau of emigration, No. 2 Rue de Brabant.

In this connexion, sir, I have to answer to the accusation of having deceived artisans by engaging them to emigrate to the United States for the purpose of subjecting them to military service there, while leading them to believe that they were emigrating to find there civil employment. That is an odious accusation. Before entertaining it, good faith should have required some support of it by proofs. And it is a lying accusation. To not one single emigrant who addressed himself to me since the establishment of my bureau in the Rue de Brabant, did I promise civil employment. Every single one who quitted Belgium emigrated with the intention of entering the military service of the United States, and with that intention and for that purpose solely. Every single one knew that he would not be able to obtain the promised bounty of \$100, and receive the monthly pay of \$12, and be clothed free of expense to himself for three years, except by enlisting as a soldier.

I affirm this positively, sir, and I challenge the presentation of the slightest proof to the contrary. I further insert, in this connexion, a copy of the circular which I addressed to most of the burgomasters of Belgium a little while after the opening of my bureau, and before the departure of the ships which transported the emigrants alluded to by the *Courier des Etats-Unis*:

“BRUSSELS, *July 29, 1864.*

“SIR: I have the honor to inform you that if in your town you have able-bodied unmarried men between the ages of twenty-one and forty years, who are poor and a public charge, you can, if you desire it, send them to engage in the service of the United States.

“The following will be the conditions of such engagement:

“1st. They enlist for three years' service.

“2d. Their expenses of travel and of subsistence are paid from the places of their residence in Europe until the expiration of the three years.

“3d. They receive a bounty of a hundred dollars upon their arrival in the United States.

“4th. They are entitled to monthly pay of \$12 during their three years' service, and are furnished, free of cost to themselves, during the entire term of their enlistment, with all their clothing and other *military* equipments.

“It is absolutely necessary that, before the sixth of August next, you shall transmit to me a certificate of military service or of identity of such emigrants. That is needful to enable me to forward to you funds to pay the expenses of their travel in Europe to the port of embarkation.

“With the assurance, sir, of my high respect, I am your obedient servant,

“LOUIS A. DOCHEZ,

“*Agent for Emigration to the United States,*

“*No. 2 Rue de Brabant, Brussels.*”

You perceive, sir, that this circular could not leave any doubt as to the destination of these emigrants. It was to such as should desire to serve in the federal army that this appeal was addressed. To those alone were expectations held out of the bounty of \$100, a pay of \$12 per month, and all their clothing and military equipments.

Still more, sir, you yourself gave insertion to the following advertisement, which I copy from your newspaper of August 2 :

"Eight hundred *volunteers*, emigrants between the ages of 21 and 40 years, can find service in the United States on advantageous terms. Present yourself, with a certificate of military service, before August 6, at the office of L. A. Dochez, No. 2 Rue de Brabant, Brussels."

Finally, I offer to prove that at the time of the sailing of the ships from Antwerp the conditions announced in my circular to the burgomasters were again publicly repeated to the emigrants, and that a boat was placed at the disposition of such as should manifest a desire to remain in Belgium.

And further, what need had I to make use of any artifice? What reason was there why I should resort to fraud for these enlistments?

Is the enlistment of Belgians for service in foreign countries prohibited? Has not our own government, for the last six months, been encouraging the organization of a body of troops for such service?

At the same time with my advertisement, your newspaper was publishing that of General Chapelié calling for volunteers for the war in Mexico. And, moreover, it is not proper to speak of these as enlistments made by me. No contract of enlistment was signed on Belgian soil. I had no power for that purpose.

On arrival in the United States these emigrants were perfectly free to enlist or not. Most of them did enlist, and received the bounty of one hundred dollars. Some were unwilling to enlist, and among such were those who, if one can believe the *Courier des Etats-Unis*, complain of not having received the bounty, or the military uniform, or the other advantages promised. Is not such a complaint absurd? How would it have been possible for the persons of whom I was the agent to furnish gratuitously transportation and subsistence to the United States, and to pay a bounty of \$100 to each of these emigrants, if they, refusing to carry out an agreement voluntarily entered into by themselves, should fail to fulfil the condition which constituted the basis for such bounty?

The enterprise, sir, in which the persons of whom I was the agent were engaged, was simply an enterprise of transportation; and it derived a legitimate remuneration of its expenses by assignment of a portion of the bounty paid by the United States to recruits. Neither the government of Belgium, nor that of the United States, had any concern whatsoever with it. Neither one nor the other had any right to meddle with it. We should have formally protested against any such intermeddling. All that was obligatory upon us was that, in our transactions, we should conform to the laws.

Although this enterprise was wholly unofficial in its character, there is no feature of it which any one concerned in it has any reason to conceal from public investigation and criticism. If we had reason to expect personal profit from it, it was of profit equally to the emigrants, to Belgium, and to the United States. The cause in behalf of which I have aided these Belgians to enlist is the cause of the Union against rebels who seek to destroy it. You may have of this cause whatever opinion you please. For myself, I consider it the cause of order and of civilization. Certain Europeans, belonging to a family illustrious in history and endeared to your affections, have held it an honor to serve in its behalf. What would you say, sir, if Antwerp, for example, should undertake to secede from the rest of Belgium, under the pretext that laws had been passed which the citizens of Antwerp did not like? That is the precise point of view, both moral and political, of this question.

As for the personal interest of the emigrants, tell me, I beg you, sir, if there

are many countries which pay to volunteers, besides the original bounty on enlistment, \$12 per month, besides subsistence, quarters, and clothing? Undoubtedly those who enlist in the federal army incur great dangers. They take part in a serious and bloody war which may last a long while yet. All the world knows that. But is it exactly becoming for those who wish to embrace a military career to complain of being liable to fight?

Finally, from the point of view of the interest of Belgium, I have to say that I have never solicited from our government any favor; that I have never deprived our army of the service of a single soldier; that most of the men who answered to my appeal, although able-bodied, were destitute of all pecuniary resources; that Dewit, one of the signers of the letter in the *Courier des Etats-Unis*, came out of the alms-house at Brussels; and that Stas, another signer of the same letter, came out of a similar establishment which exists at Mons.

I will not enlarge upon this point, fearing, sir, to have already presented a superfluity of proofs.

It remains for me to allude to the complaints of these four emigrants concerning the food furnished to them during the voyage. These complaints are entirely destitute of foundation. In reply to them, I have need only to remark that at Antwerp, as in the United States, there are regulations of law concerning the quantity and quality of the food furnished to emigrants on their passage, and that the public authorities superintend rigorously the execution of these regulations.

While requesting you to insert this communication in the next number of your journal, I ask those other newspapers, which have reproduced the calumnies of the *Courier des Etats-Unis*, to give insertion also to this reply.

Accept, sir, the assurance of my distinguished consideration.

LOUIS A. DOCHEZ.

BRUSSELS, *October 26, 1864.*

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COMMONWEALTH OF MASSACHUSETTS,
Executive Department, Boston, November 18, 1864.

I certify that the foregoing is a correct translation from the French of the original article which appears in the October 31, 1864, number of *L'Etoile Belge*, a newspaper of Brussels, Belgium.

A. G. BROWNE, JR.,
Lieutenant Colonel, Military Secretary.

WAR DEPARTMENT,
Washington City, November 28, 1864.

Referring to your letter of the 16th of September last, with its enclosed copy of a note from Baron Von Grabow, relative to certain German emigrants recently arrived at Boston, and who were alleged to have been enlisted into the military service contrary to their wishes, and also to your letter of the 4th instant upon the same subject, I am directed by the Secretary of War to transmit a copy of the report of the Provost Marshal General, to whom the question was referred for examination.

I have the honor to be, sir, your obedient servant,

C. A. DANA,
Assistant Secretary of War.

Hon. WILLIAM H. SEWARD,
Secretary of State.

WAR DEP'T, PROVOST MARSHAL GENERAL'S OFFICE,
Washington, D. C., November 23, 1864.

SIR: I have the honor to report the action taken by this bureau in the case presented by Baron Von Grabow, chargé d'affaires of Prussia, in his note of September 11, 1864, in relation to the enlistment of certain German emigrants at Boston, Massachusetts, in which it was alleged that "numerous emigrants, who had just come from Germany to devote themselves to the ordinary agricultural and manufacturing occupations, have been turned aside from the object of their voyage by being transferred to an island in the port of Boston, where, under the allurements of \$100, promised in gold, but paid in paper, they have been managed to be enlisted in the army;" and also calling attention to the fact that another "vessel, having on board other emigrants, is momentarily expected in the bay of Boston, and that everything leads to the belief that the same process will be followed in regard to (them as to) those who are already in great part, at this time, in the military service of the United States," and which was by you referred to this bureau on the 26th day of September last.

On the same day the case was by me referred to Major F. N. Clarke, acting assistant provost marshal general of Massachusetts, with instructions to appoint a suitable person to watch the arrival of the expected vessel; and if, upon investigation, it were found that the abuses complained of were attempted, to take proper measures to prevent the same, and to report the facts to this office.

On the 15th day of October Major Clarke reported, (a copy of which report is herewith transmitted,) including copy of a contract between Julian Allen and the emigrants referred to in the former part of the note of Baron Von Grabow, of September 11, wherein the emigrants agreed to go to any part of the United States, and, upon arrival there, to enter into any engagement with said Allen or his agents, for a period not exceeding three years, to serve in any employment which M. D. Ross, of Boston, or his agents might designate, provided the same was not in contravention of the laws of the United States. (A copy of which contract is respectfully enclosed, marked "A.") Also enclosing a report of Captain W. G. Howe, mustering officer, who mustered these persons into the service, in which it is stated that the nature of their enlistment and muster was explained to them in English, French, and German, and that they fully understood the obligations which they assumed, and that they expressed themselves, with but one exception, as being satisfied therewith, (a copy of which report is enclosed, marked "B.")

On the 20th day of October the report of Major Clarke was returned to him with the following indorsement:

"Respectfully referred to Major F. N. Clarke, A. A. P. M. G., at Boston, Massachusetts, with instructions to report to this office whether any officer of this bureau had been in any manner connected with, or has recognized the existence of, the within contract, in connexion with official duty; whether any recruiting officer or any mustering officer, or other officer of this bureau, has at any time in any manner recognized Julian Allen or M. D. Ross as the agent of any German or French recruits; whether any government bounty has been paid to Allen or Ross on account of enlistment of these aliens; and if so, by whom, and the amount; whether local bounties on account of these enlistments have been paid to Allen or Ross; and if so, how much; and whether any bounty has been paid to Allen or Ross that has not been paid over to these recruits."

Which was again forwarded by Major Clarke to this office with the following statement, dated October 24:

"In connexion with the accompanying papers, I have the honor to report that no officer under my control has been in any manner connected with or recognized the existence of the contract in connexion with official duty.

"The mustering and disbursing officers have discharged their duties in the same manner as for other recruits, and the first instalment of the United States bounty paid as usual by Captain Dryer, disbursing officer, to the recruits themselves, and neither Mr. Allen nor Ross recognized officially in the matter. Mr. Allen has been in Europe, I believe, until recently, and until I saw the contract last month, Mr. Ross had only been known to me as an alderman of the city, and interested in obtaining recruits.

"These men have been enlisted for the city of Boston, and the ordinance granting a bounty of \$125 reads *to* or *for* the recruit, and is generally given for the recruit. This is the case also with the town bounties. The towns obtain their men through recruiting agents or brokers, with whom they bargain to put in to the credit of the town so many men at a stated price per head. The broker then receives whatever the town pays, and makes his own arrangement with the recruit. Hence the villany practiced, and hence the necessity I have frequently been under of obtaining depositions from the recruits that they have been promised a given amount from these brokers and failed to receive it. Whenever such brokers could be found, they have been arrested and made by me to disgorge the promised amount. Efforts to this end are made also by the mustering-in officers, that the recruits shall, when sworn in, be satisfied. The city bounty of \$125 has doubtless been paid *for* these German recruits to Mr. Ross, or others; and I understand from Captain Dryer that they (the Germans) gave a signed order on the State authorities for the \$325 the State has been paying. Whether such order has been recognized and the amount paid to Mr. Ross, or others, can only be determined by reference to the State authorities.

"The United States bounty remaining unpaid (\$200) will, of course, as it becomes due, go to the recruit."

On the 29th of October, a communication on this subject was addressed to his excellency the governor of the State of Massachusetts, informing him that proper steps would be taken by this bureau to see that the full amount of government bounties to which these recruits are entitled would be paid to them the same as other recruits, and referring the question of local bounties to his excellency, to which communication no reply has yet been received. A reply of the letter to his excellency Governor Andrew is herewith respectfully enclosed.

In reply to the suggestion contained in the note of Baron Von Grabow, of the 25th ultimo, that on one side a Prussian agent, and on the other the provost marshal of the United States, should be enabled to make known to those arriving the conditions by aid whereof they can enlist in the army and obtain the emoluments consequent thereon, I beg leave to say that provost marshals and mustering officers are instructed to make known to all recruits the conditions under which they are accepted into the United States service, fully explaining to them the nature and responsibility which they assume, and the bounty, pay, and allowances which they are entitled to receive.

Any agent of the Prussian government who desires it will at all times be permitted to be present at these musters, and be allowed to give such information touching the subject as he may deem necessary to acquaint these recruits with the conditions under which they enter the service of the United States.

I have the honor to be, sir, very respectfully, your obedient servant,

JAMES B. FRY,
Provost Marshal General.

Hon. EDWIN M. STANTON,
Secretary of War, Washington, D. C.

HAMBURG, *June 25, 1864.*

We, the undersigned, do herein and hereby individually, jointly, and severally, agree and bind ourselves to this contract:

That is, we have been engaged and do engage with Mr. Julian Allen to go

to United States of America, by any route that Julian Allen may designate or direct, sail for the port of Boston, in the State of Massachusetts, or Portland, in the State of Maine, or to any other port in the United States which Julian Allen or his agent or agents may direct, in consideration of a free passage to the United States of America, out of any port of Europe, including board and outfit.

We hereby individually, jointly, and severally engage and bind ourselves and agree, on our arrival in the United States of America, to enter into any engagement, for a period not exceeding three years, with Julian Allen or his agents, to serve faithfully and truly in any employment which Mr. D. M. Ross, of Boston, in the State of Massachusetts, his agent, agents, or representative, may designate or contract for us to do, provided such employment is not in contravention to the laws of the United States of America; and the wages to be paid us not to be less than is paid to persons in the United States of America for performing similar services or labor, (not under twelve dollars, American currency, per month, including board;) be it distinctly understood, however, not to include extra moneys given or paid as bounties to such persons who are entitled and which we may be entitled to receive; such bounties or extra moneys which we may be entitled to, excepting 100 dollars in the currency of the United States, we agree to assign, and hereby do assign, to the aforesaid M. D. Ross, his agent, agents, or representative; and we further agree and bind ourselves to execute any and all papers which may be or become necessary to enable said M. D. Ross, his agent or representative, to procure any and all extra moneys and bounties which we may be entitled to, excepting the 100 dollars above mentioned, on entering or engaging into any service or employment designated by said M. D. Ross, his agent, agents, or representative, for the period of time aforesaid.

It has been clearly explained, and is as clearly understood by us, that there are extraordinary risks incurred by Mr. Julian Allen in assuming, as he does, to give us a free passage to the United States of America, and then, on our arrival there, to procure for us remunerative employment; and therefore we, by our own free will and choice, agree to make the assignment as aforesaid of all bounties or extra moneys, (excepting the 100 dollars.) We here acknowledge that through the agency of Mr. Julian Allen and his associates, our condition in life will be sufficiently improved to make it just and right that Mr. Allen and his associates shall make a profit in the transaction of their business of forwarding us.

In witness hereof, we have signed individually, jointly, and severally, our names to this contract and agreement, in duplicates, (English and German,) and promise faithfully and are in honor bound to perform all and everything herein contained.

PROVOST MARSHAL GENERAL'S OFFICE,
Washington, D. C., November 23, 1864.

A true copy :

THEO. McMURTRIE,
Captain and A. A. A. General.

PROVOST MARSHAL'S OFFICE, FOURTH CONGRESSIONAL DISTRICT
OF MASSACHUSETTS, *Boston, October 10, 1864.*

SIR : I would respectfully state, in reply to your inquiries about the men brought over by Messrs. M. D. Ross and others from Europe, that I was at the island with each load as a mustering officer, and that they left the following impression on me as on others with whom I conversed on the subject, viz :

1st. That they perfectly understood what they were doing when the oath was administered to them, which, so as to give no chance for a mistake, was explained to them in French and German as well as English.

2d. That they were not only perfectly satisfied to go, but were anxious to do so, which was shown, when passed by the surgeon and ready for the boat, by their songs, cheers, &c.; and when one was rejected, by his sorrowful face and commiserations of his comrades.

3d. They were all satisfied with the money paid them, with one exception, where the man wanted to be paid in gold instead of currency.

I am, sir, very respectfully, your obedient servant,

W. GREENE HOWE,
Captain and Provost Marshal.

Major FRANCIS N. CLARKE,
A. A. Provost Marshal General.

PROVOST MARSHAL GENERAL'S OFFICE,
Washington, D. C., November 23, 1864.

A true copy:

THEO. McMURTRIE,
Captain and A. A. General.

OFFICE OF THE ACTING ASSISTANT PROVOST MARSHAL GENERAL,
Boston, October 15, 1864.

GENERAL: I have the honor to enclose a copy of contract made by Mr. Julian Allen, the agent of the parties concerned, and the Germans or other aliens who have been enlisted or entered the service of the United States; also the letter of Captain Howe, provost marshal fourth district, who mustered in most of these men. When it is taken into consideration that these men have been transported across the water, that the men have voluntarily entered the engagement, that the usual risks incident to a voyage have been incurred which might have involved the projectors of the scheme in pecuniary loss, it is difficult to determine that the probable profits accruing from its successful accomplishment are evidence of unfairness towards such emigrants. That the parties of the first part have made money in the operation I suppose there is no doubt. In answer to this, it is said, have we not incurred corresponding risks, which might have made our attempt one of great pecuniary loss? From all I can possibly ascertain the contract has been fulfilled. The United States bounty has been paid to the men as in other cases; but, in final settlement with the men, in view of their assignment to M. D. Ross of all bounties or extra moneys, the amount paid by the United States has determined the balance to be made good by Mr. Ross. To what extent advantage has been taken of the ignorance of these people is a question that every one answers for himself. In conversation the other day, a gentlemen connected with the Prussian consulate remarked that the contractors had made undoubtedly a large sum in the transaction, and that the emigrants had not received the bounties and advance that others had. In view of the contract, the expenses attending their shipment and transportation to this country, it is difficult, without understanding the personal hopes, expectations, and desires of these men with regard to reaching our own country, to draw any parallel in the two cases.

I am happy to be able to inform you that there seems to be little or no prospect of a recurrence of such importation. In any event, I would respectfully

request your views after having received the contract and the statement herewith forwarded.

I am, general, very respectfully, your obedient servant,

F. N. CLARKE,

Major 5th Artillery, A. A. Provost Marshal General.

General JAMES B. FRY,

Provost Marshal General, Washington, D. C.

PROVOST MARSHAL GENERAL'S OFFICE,
Washington, D. C., November 23, 1864.

A true copy :

THEO. McMURTRIE,

Captain and A. A. General.

WAR DEPARTMENT, PROVOST MARSHAL GENERAL'S OFFICE,
Washington, D. C., October 29, 1864.

SIR : The enclosed copies of correspondence between the honorable the Secretary of State and Baron Von Grabow, the Prussian minister, in reference to the enlistment of German emigrants by Julian Allen and M. D. Ross, of Boston, for the purpose of filling the quota of the State of Massachusetts, was referred to the honorable the Secretary of War, and by the latter to this office.

I also enclose copies of the correspondence between this bureau and Major F. N. Clarke, acting assistant provost marshal general for the State of Massachusetts, on the same subject.

Proper steps will be taken by me to see that these recruits receive, at the hands of the general government, the full amount of pay and government bounty that was authorized by law at the date of their enlistment.

The question of local bounties being one pertaining to the State and municipal authorities, is respectfully referred to your excellency for such action as the circumstances of the case may require; and with the request that I may receive such information from your excellency as will enable me to make a full report on this subject,

I have the honor to be, sir, very respectfully, your obedient servant,

JAMES B. FRY,

Provost Marshal General.

His Excellency JOHN A. ANDREW,

Governor of Massachusetts, Boston, Massachusetts.

Official copy :

THEO. McMURTRIE,

Captain and A. A. General.

ANTWERP, *July 14, 1864.*

We, the undersigned, do herein and hereby individually, jointly, and severally agree and bind ourselves to this contract—that is, we have been engaged and do engage with Mr. Julian Allen to go to the United States of America, by any route that Julian Allen may designate or direct, to sail for the port of Boston, in the State of Massachusetts, or Portland, in the State of Maine, or to any other port in the United States which Julian Allen or his agent or agents may direct, in consideration of a free passage to the United States of America, out of any port of Europe, including board and outfit.

We hereby individually, jointly, and severally engage, and bind ourselves and agree, on our arrival in the United States of America, to enter into any engagement, for a period not exceeding three years, with Julian Allen or his agents, to serve faithfully and truly in any employment which Mr. M. D. Ross, of Boston, in the State of Massachusetts, his agent, agents, or representative, may designate or contract for us to do, provided such employment is not in contravention to the laws of the United States of America, and the wages to be paid us, not to be less than is paid to persons in the United States of America for performing similar services or labor, (not under \$12, American currency, per month, including board.) Be it distinctly understood, however, not to include extra moneys, given or paid as bounties, to such persons who are entitled, and which we may be entitled to receive; such bounties or extra moneys which we may be entitled to, excepting \$100 in the currency of the United States, we agree to assign, and hereby do assign, to the aforesaid M. D. Ross, his agent, agents, or representative; and we further agree and bind ourselves to execute any and all papers which may be or become necessary to enable said M. D. Ross, his agent, or representative, to procure any and all extra moneys and bounties which we may be entitled to, excepting the \$100 above mentioned, on entering or engaging into any service or employment designated by said M. D. Ross, his agent, agents, or representative, for the period of time aforesaid.

It has been clearly explained, and is as clearly understood by us, that there are extraordinary risks and expenses incurred by Mr. Julian Allen in assuming, as he does, to give us a free passage to the United States of America, and then, on our arrival there, to procure for us remunerative employment; and therefore we, by our own free will and choice, agree to make, and do make, the assignment, as above named, of all bounties or extra moneys, (excepting the \$100.) We here acknowledge, that through the agency of Mr. Julian Allen and his associates, our condition in life will be sufficiently improved to make it just and right that Mr. Julian Allen and his associates shall receive such remuneration in the transaction of their business in forwarding us, so as to defray their expenses, should it even leave a profit.

In witness hereof, we have signed, individually, jointly, and severally, our names to this contract and agreement, and promise faithfully, and are in honor bound, to perform all and everything herein contained.

Name.	Place of birth.	Age.
1. Wilquet, Michel	Bruxelles, Belgique	26
2. Winfa, Friedrich	Westphalie, Prusse	24
3. Vranex, Théophile	Bruxelles	27
4. Nicholas, Lorin	Eupen	23
5. T. Trauerr	Interhalsen	21
6. R. Schwartz	Duezer	29
7. Z. T. Müller	Brunswick	21
8. I. Hansen	Duerne	22
9. F. Heiss	Mullerord	30
10. J. J. Vanderstock	Bruxelles	23
11. Waldmann	Do	24
12. Lusenbergh	Do	24
13. S. T. H. Schieffer	Krulick	45
14. Schwraers	Bruxelles	39
15. T. Pickartz	Eupen	24
16. T. B. Monjaerts	Bruxelles	20
17. Guldentop	Do	35
18. J. de Sig. de J. Kossomwers	Anvers	21
19. Thielen, Antoin	Do	22

20. T. Albrecht.....	St. Amarand	29
21. P. Hegvaerts	Appels	29
22. Sig. de J. ✕ Janssens	Malines	39
23. Jergeman, T	Anvers	45
24. A. De Been	Gand	22
25. H. U. Holsters	Obster	24
26. Rumez.....	Anvers	22
27. Sig. de P. ✕ De Clerck.....	Vinove	39
28. Marceler, C	Kammel	29
29. W. P. A. Miseroy	Misseroy	28
30. P. Paulis	Schleister	24
31. Sig. de Ch. ✕ Jockmeyer.....	Cokelberg	27
32. L. Lemmens	Heenberggen	44
33. Dehoze	Cambrean Costeau	23
34. Sig. de J. ✕ Lokus	Bruxelles	30
35. Sig. de B ✕ Vander Meersch.....	Wiggelen	38
36. O. Gervinary	Venloo.....	23
37. Ant. Verschueren.....	Antwerp	23
38. P. Hoesch.....	Bruxelles	21
39. D. Dean	Nivelles	23
40. Sig. de Franz. ✕ Joseph.....	Bruxelles	24
41. Mat. Dysevers	Anvers	41
42. Umard	Do	30
43. C. Vanderborgt	Do	26
44. Sig. de G ✕ Barenberg	Do	29
45. A. Moulinard	Larochelle	21
46. G. Rebout.....	Lionnais	34
47. E. Kuntz	Perpignan	24
48. Ch. Déol.....	Paris	33
49. Jh. Rispale.....	St. Etienne	23
50. Sig. de Guill. ✕ Debreuil	Bruxelles	23
51. F. Fauchard.....	Okepi	23
52. Sig. de F ✕ De Jongt.....	Rammesis	26
53. F. Philips.....	Bruges.....	21
54. Vess Jean.....	Anvers	26
55. F. Vanderveldenn	Roogeman	24
56. G. Vanderheyden	Bruxelles	31
57. Van Presseh.....	Do	26
58. F. L. Puraye	Morenet	28
59. E. Bache	Tamise, France.....	28
60. Ld. Winckelman.....	Gand	32
61. L. Debruyne	Bruxelles	31
62. J. Demartean	Liège	36
63. Sig. de N. ✕ Coppens.....	Aloss	30
64. Sig. de F. ✕ Landstein.....	Bruxelles	29
65. Adolphe Hembert	Mons	32
66. L. Petit.....	Nivelles	39
67. Sig. de Ch. ✕ Verdier.....	Bruxelles	34
68. Jo. Dedecker	Do	38
69. Sig. de Ant ✕ Verschueren.....	Anvers	32
70. Sig. de Jean ✕ De Roy.....	Bruxelles	34
71. O. Wup	Wertensbyer	28
72. Sig. de Jean ✕ Franckx.....	Anvers	25
73. Henri Crèveœur.....	Bruxelles	22
74. Cr. Vivain	Do	35

75. Sig. de J. ✕ Gerbehaye	Liège	34
76. J. Barbier	Chapelle-les-Hernes	44
77. Sig. de Jean ✕ Mochiels	Bruxelles	34
78. Von der Heyden	Do	31
79. Sig. de Aug. ✕ Tinnerman	Anvers	34
80. Sig. de Ferd. ✕ Fromaker	Gent	36
81. H. Von Overbeck	Antwerpen	27
82. Sig. de Jean ✕ Michiels	Bruxelles	25
83. Hannes Müller	Erlabaum	30
84. Ludwig Franz	Darmstadt	27
85. Martin Munster	Werlenapt	23
86. — Arnzdt	Preneshen	26
87. J. P. Von Petegem	Appels	42
88. H. Markuz	La Haye	23
89. Theodor Hinziur	Preussen	24
90. A. Deucren	Jenesse, Holland	33
91. S. C. Schulze	Berlin, Prusse	32
92. R. St. Croix	Montgaillard, France	24
93. Th. Cles. DeKartes	Bruxelles	23
94. Sig. de Pre. ✕ Munter	Do	23
95. H. Willemsenns	Anvers	28
96. F. Arents	Liège	36
97. Sig. de Louis ✕ Blockhuys	Voosler	34
98. G. H. Pruys	Bresla	44

Witnesses :

Gerard Rook.
 Julius Schmidtberg.
 J. Hadlaskig.
 Julian Allen.
 Eug. DeRoos.

Mr. Seward to Mr. Dayton.

No. 702.]

DEPARTMENT OF STATE,
 Washington, November 15, 1864.

SIR : I have to inform you that hereafter there will be a mail forwarded from this department, by the General Transatlantic Company's line of steamers, between New York and Havre.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 561.]

PARIS, November 16, 1864.

SIR : I received a call a few days since from Sir Frederick Bruce, late the British minister in China. I deem it but an act of justice to say to you that he expressed the kindest feelings towards Mr. Burlingame, our minister in that country. He says he has been of much service there—has acted on all proper

occasions in concert with his fellow-diplomatists, and has in all respects made himself acceptable to those gentlemen with whom he was officially connected in that country. Indeed, Sir Frederick expressed himself with an unusual cordiality and respect for Mr. Burlingame, and for his conduct in discharge of the duties of his mission.

It is so rare that we have an opportunity of hearing so directly and from such good authority of our ministers or agents in that distant country, I have thought you would not consider it amiss if I should report to you the favorable opinion so freely expressed by the representative of the British government there.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 564.]

PARIS, November 17, 1864.

SIR: Your despatches, Nos. 690, 691, 692, and 694, are duly received.

The first three of these despatches are but the formal acknowledgments of the reception of despatches from me not contemplating an answer, while the last (694) is the usual military and political summary of recent events. We are waiting with intense interest the arrival of the next steamer in the hope that it will bring news enough of the election to give an indication of the result.

The foreign press (English and French) both yet entertain a hope of the defeat of the administration.

Mr. Mercier always begs me to make his respects to you, of whom he speaks most kindly. He says, although you did not agree exactly in your opinions, yet your and his personal relations were most kind.

The new minister, M. Chateau Renard, has not yet come to Paris. He is at his seat in the country.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 565.]

PARIS, November 18, 1864.

SIR: Your despatch, No. 693, enclosed to me the copy of a despatch of 5th October last, and its accompanying protest from Lewis S. Ely, our consul at Acapulco, relative to the seizure of the United States mail bag at that place by order of the commandant of the French forces there.

I have immediately called the attention of Mr. Drouyn de l'Huys to this subject, and asked the necessary explanations. He has received from me copies of the above papers, and says that he will at once take measures to ascertain the facts, or their view of them, and make the necessary answer to our demand for explanation.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 704.]

DEPARTMENT OF STATE,
Washington, November 18, 1864.

SIR : I give you, for your information, a copy of a correspondence which has just taken place between Mr. Geofroy and this department.*

You will perceive that in this correspondence I decline to discuss the question, whether the President of Mexico, in his present reduced situation, has, by the law of nations, a right to issue letters of marque. I think the occasion a suitable one for bringing to the consideration of the imperial government the fact that it has now for three years and a half, against the constant protest of the United States, recognized as a naval belligerent an insurrection in the United States that has not only never had a recognized political existence, but also has never had a port in our country. It would simplify affairs very much, and contribute to the security of French as well as of American commerce, if the government of France should apply to our civil strife the principle it assumes in regard to Mexico, namely: that a military force, which is destitute of ports or ships-of-war, cannot rightly be deemed a naval belligerent.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 705]

DEPARTMENT OF STATE,
Washington, November 18, 1864.

SIR : Your despatch of the 4th instant, No. 557, relative to the result of an interview with M. Drouyn de l'Huys, in which you communicated in detail the order and proceedings of this government in reference to Cortinas and his forces, which crossed the Rio Grande into Texas, has been received and is approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 707.]

DEPARTMENT OF STATE,
Washington, November 18, 1864.

SIR : I have to acknowledge the receipt of your despatch of the 4th instant, No. 556, and, in reply, to approve your course relative to the vessels which have been built at Bordeaux and Nantes, and your proceedings in your interview with Commodore Craven, of the United States ship Niagara.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

* See correspondence with the French legation.

[No. 709, Mr. Seward to Mr. Dayton, of the 21st of November, 1864, relating to military affairs, is the same *mutatis mutandis* as No. 1159 to Mr. Adams, minister to London, published in this series.

A copy of the following accompanied the same, and is published here because it was omitted in printing the instruction to Mr. Adams referred to.]

Mr. Seward to Mr. Webb.

No. 123.]

DEPARTMENT OF STATE,

Washington, November 11, 1864.

SIR: In the years 1862 and 1863 remonstrances were addressed by us to the government of Brazil against its policy, different as it was from all other American States in regard to the furnishing of shelter and a haven to pirates who were engaged in depredating upon the peaceful commerce of the United States. The correspondence came to a close without having produced any satisfactory result, and not without leaving a painful presentiment that a continuance of measures so injurious to the United States would sooner or later affect the harmonious relations heretofore existing between the two countries.

We have just now heard of the capture of the Florida by the Wachusett, at Bahia, and of the consequent hostilities adopted by the Brazilian forces in that port, but we have no particular information of the circumstances which preceded the collision, and our information concerning the transaction itself is incomplete. At the same time we are absolutely without knowledge of any correspondence that it may have elicited between yourself and the Brazilian government.

In this stage of the matter the President thinks it proper that you should inform the minister for foreign affairs that we are not indisposed to examine the subject upon its merits carefully, and to consider whatever questions may arise out of it in a becoming and friendly spirit, if that spirit shall be adopted by his Imperial Majesty's government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES WATSON WEBB, Esq., &c., &c., &c., *Brazil.*

Mr. Seward to Mr. Dayton.

No. 711.]

DEPARTMENT OF STATE,

Washington, November 28, 1864.

SIR: I have to acknowledge the receipt of your despatch of the 8th instant, No. 560, relative to the proceedings of Captain Semmes, and also giving me your views as to the capture of the Florida by the United States steamer Wachusett, at Bahia. In my despatch of the 21st instant, No. 709, I gave you a copy of a despatch which I addressed to Mr. Webb, our minister at Rio, on the subject of the capture. Since then nothing has occurred in regard thereto.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 712.]

DEPARTMENT OF STATE,

Washington, November 28, 1864.

SIR : I have received your despatch of the 8th instant, No. 559, relative to the conciliatory action of France with regard to Spain and Peru, which is highly appreciated.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 717.]

DEPARTMENT OF STATE,

Washington, December 4, 1864.

SIR : Your despatch of the 18th of November, No. 565, informing me that you had received assurances from Mr. Drouyn de l'Huys that the application of this government for explanation of the seizure of the United States mail-bags at Acapulco, by order of the commandant of the French forces at that place, would receive due consideration, has been received. Your proceedings in regard to the matter are approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 719.]

DEPARTMENT OF STATE,

Washington, December 5, 1864.

SIR : I have to acknowledge with satisfaction the receipt of your despatch, No. 561, relating to the high regard entertained for Anson Burlingame, esq., our minister at Peking, by Sir Frederick Bruce, and to inform you that the information agrees with our reports from China concerning Mr. Burlingame.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

FRENCH LEGATION.

Mr. Mercier to Mr. Seward.

LEGATION OF FRANCE TO THE UNITED STATES,

Washington, December 5, 1863.

SIR : I have the honor to transmit to your excellency, and recommend to the examination of the federal government, a complaint which has been addressed to me by Mr. Lange, a French subject, resident at New Orleans, and which has relation to a serious injury which had been caused him by the forcible detention at that port of the schooner Allison, cleared for Matamoras, and detained by higher authority.

HENRI MERCIER.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Lange to the Consul of France.

[Translation.]

NEW ORLEANS, LOUISIANA,
November 16, 1863.

SIR: The undersigned has the honor to show to you, that he shipped, on the 26th October, last month, on board the English schooner Allison, a certain lot of merchandise, destined for Matamoras, Tamaulipas, Mexico.

That he obtained, on the 29th October past, a visa of his passport, at the consular office for Matamoras, and that such visa was recorded at the office of the provost marshal of the United States.

That, besides, he obtained a pass from the said provost marshal, which authorized him to embark on the schooner Allison, on her departure for Matamoras.

That the said schooner Allison was regularly cleared by the custom-house of this city on the 28th of said month of October past, for the port of Matamoras, Mexico.

That, despite compliance with all these formalities, the said schooner was not allowed to leave the port of New Orleans, with her cargo and passengers.

That the result of what precedes is, that the signer of this statement is seriously injured in his interests, and finds himself under the necessity of addressing the consulate of his country, and to ask that justice and redress may be rendered to him.

That the forcible detention at this port of the schooner Allison, and on the other hand of himself, causes to him serious injury, which he estimates up to this day at the sum of six thousand dollars, besides 100 dollars per day for a longer forcible detention.

He has, in consequence of what precedes, the honor to beg the consul of France at New Orleans to have the goodness to confirm his reclamation, and to bring it to the knowledge of his excellency the minister of his Imperial Majesty the Emperor, near the government of the United States at Washington, D. C.

In this expectation, I have the honor to be, Mr. Consul, your most humble and obedient servant,

I. N. LANGE.

The CONSUL OF FRANCE,
New Orleans, Louisiana.

Mr. Geofroy to Mr. Seward.

[Translation.]

LEGATION OF FRANCE TO THE UNITED STATES,
Washington, March 1, 1864.

SIR: I have received the answer which you were pleased to make to me on the 30th of September last, respecting the reclamation of Messrs. Brulaton & Company, of New Orleans, and in which your excellency informs me that a petition to Congress in behalf of these Frenchmen would meet with the chances of a favorable reception. I therefore request of you the goodness to make this request at the next session of the legislature, through a bill, for the purpose of meeting the rights of these French subjects.

Accept, sir, the assurances of my high consideration.

L. DE GEOFROY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Geofroy to Mr. Seward.

[Translation.]

LEGATION OF FRANCE TO THE UNITED STATES,
Washington, March 2, 1864.

SIR: A Frenchman, Mr. Cauvet, has addressed the department for foreign affairs at Paris, for the purpose of obtaining the liberation of his son, arbitrarily incorporated, as it would seem, in the federal army. M. Drouyn de l'Huys, in transmitting to me the extract annexed, from a letter, in which Mr. Cauvet, the son, states to his family the circumstances under which he was constrained to do military service, charges me to point out the fact to your excellency, when asking you to have the goodness to give such orders that Mr. Cauvet be stricken from the rolls and set free. According to the paper annexed, this Frenchman was, on the 23d December last, at Morris island, South Carolina, V. H. V.

Accept, sir, the assurance of my high consideration, the chargé d'affaires of France,

L. DE GEOFROY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Cauvet to M. Drouyn de l'Huys.

[Translation.]

MORRIS ISLAND, *December 28, 1863.*

I am going to tell you something that will not give you much pleasure. I would tell you that I had hardly received your letter, when I settled my account at the house where I was, and came back to New York, where I staid some days, awaiting a vessel on which to return to France, but meanwhile persons came looking for me, and telling me I was a soldier, and that I must go, because my name had been given at the hotel where I was staying without my knowing anything about it, and told me that the chance had fallen on me. There were two of us in this situation, and we were told we could not be obliged to become soldiers, but we had no person to take care of us, and meantime we were taken to an island in the neighborhood, and gradually, a month afterwards, we were off the city of Charleston, thoroughly enrolled in the regiment, and at the end of some days were carrying on our backs the knapsack and musket.

A. CAUVET,

3d Regiment V. H. V., Morris Island, S. C.

Mr. Seward to Mr. Geofroy.

DEPARTMENT OF STATE,
Washington, March 9, 1864.

SIR: I have the honor to acknowledge the receipt of your communication of the 2d instant, relative to the case of one Cauvet, a French subject, unlawfully enlisted into the military service of the United States, and who, on the 23d of December last, was serving in the 3d regiment of V. H. V., at Morris island. I now have the honor to inform you that the matter has been referred to the proper department for investigation.

Accept, sir, the renewed assurance of my high consideration,

WILLIAM H. SEWARD.

Mr. L. DE GEOFROY, &c., &c., &c.

Mr. Geoffroy to Mr. Seward.

[Translation.]

LEGATION OF FRANCE IN THE UNITED STATES,
Washington, March 11, 1864.

SIR: According to information which has reached the Emperor's government, three regiments of the federal army have lately been sent to Matamoras under pretext of protecting the consul of the United States at that point, and have there re-established the Juarist authority, by driving out therefrom General Cortinas, who had pronounced against it. This news, the official confirmation of which, however, it had not received, has fixed the attention of the Emperor's government. Such a fact would constitute a violation of the neutrality, on which the assurances of the cabinet at Washington have authorized it to rely, on its part, in regard to Mexico, and would also be entirely opposed to the instructions addressed by the Department of State to General Banks, who has been directed to favor neither of the two parties, and not to enter the Mexican territory, even to protect the American consul and citizens there. I therefore deem it my duty, sir, to point it out to you, and would be infinitely obliged if you could furnish me with explanations on this subject.

Be pleased to accept, sir, assurances of my high consideration.

L. DE GEOFROY.

HON. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Mr. Geoffroy.

DEPARTMENT OF STATE,
Washington, March 12, 1864.

SIR: I have the honor to acknowledge the receipt of your note of the 11th instant, in which you state that, according to information which has reached the Emperor's government, three regiments of the United States army have lately been sent to Matamoras under the pretext of protecting the consul of the United States at that port, and have there established the Juarist authority by driving out therefrom General Cortinas, who had pronounced against it there. You proceed in your note to observe that this news, the official confirmation of which, however, had not been received by the French government, has fixed the attention of the Emperor's government. That the alleged proceedings constituted a violation of the neutrality, on which the assurances of this government has authorized France to rely, and would also be opposed to the instructions which were addressed by this department to Major General Banks, who commands the United States forces on the borders of Mexico, and therefore you ask proper explanation thereupon.

In reply to your note I have the honor to say that the attention of the President was first directed to the transaction you have mentioned by a note which was written to this department by Don Matias Romero, the minister plenipotentiary of the Mexican republic residing at this capital, on the sixth of February last. Mr. Romero, in that note, represented that the dispute at Matamoras, which was the occasion of the proceeding of General Herron, now complained of, was a dispute between two military leaders, each of whom acknowledged the authority and acted under the orders of the Mexican republic. Taking that view of the subject, Mr. Romero insisted that the proceeding of General Herron was a flagrant violation of Mexican sovereignty, as well as a violation of the beforementioned instructions of this department to Major General Banks.

Upon receiving these representations of Mr. Romero, I called upon the Secretary of War for such information concerning this transaction as he possessed, and further requested that a full investigation thereof might be instituted. I have received from the Secretary of War certain papers which bear upon the transaction in question, but not yet the full report which has been requested. I have now the honor to place copies of these papers before you, namely, a report of Major General Banks, with the documents annexed, and to add to them an extract from a despatch of the United States Consul at Matamoras, which has been received at this department.

A declaration of the views of this government upon the proceeding of General Herron is necessarily reserved until the result of the investigation which has been ordered shall have been ascertained. I shall be happy, in the mean time, to receive any information upon the subject which the government of France shall find it convenient and desirable to submit in support of the views of that government which conflict with the representations of the Mexican government, as well as with the statements made by the military authorities and the consul of the United States.

I will add that General Banks has again been specially charged to do whatever is practicable to avoid any collision between the forces under his command and either of the belligerents in Mexico, and even to guard, so far as may be possible, against suffering any occasion to arise for dispute or controversy between his command or the authorities of Texas, and either or both of these parties.

Accept, sir, the assurances of my high consideration.

WILLIAM H. SEWARD.

Mr. L. DE GEOFROY, &c., &c., &c.

General Canby to Mr. Seward.

WAR DEPARTMENT,
Washington City, February 10, 1864.

SIR: The Secretary of War instructs me to acknowledge the receipt of your letter of yesterday, transmitting a translation of a note addressed to you on the 4th instant by Señor Matias Romero, envoy extraordinary and minister plenipotentiary of the United Mexican States, inviting attention to a publication in the New York journals, during the month of January last, purporting to be a communication containing menaces, addressed from Brownsville on the 26th of December last, by Major General N. J. T. Dana, then commanding the United States forces in Texas, to the Governor of Tamaulipas, in the Mexican republic, and also to the Matamoras correspondence, published in the daily papers, in which it is stated that Major General Herron, now commanding United States forces at Brownsville, has sent troops into the city of Matamoras, during local disturbances in that city, in violation of Mexican sovereignty.

In regard to the alleged violation of the Mexican territory by United States troops acting under the orders of Major General Herron, the Secretary instructs me to transmit for your information the enclosed copy of a communication this day received, addressed to the general-in-chief by Major General Banks, commanding the department of the Gulf, with its accompaniments, which present a detailed account of the circumstances under which the temporary presence of the United States troops in Matamoras was deemed imperative for the protection of the United States consulate in that city.

On the subject of the alleged letter of menace addressed by Major General

N. J. T. Dana, from Brownsville, to the governor of Tamaulipas, this department has at present no knowledge. As soon as any information on the subject is received it will be communicated to you.

I have the honor to be, your obedient servant,

ED. R. S. CANBY,

Brigadier General, Assisting Adjutant General.

Hon. SECRETARY OF STATE,
Washington, D. C.

General Banks to General Halleck.

[Extract.]

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, January 25, 1864.

GENERAL: I have the honor to transmit to you copies of despatches received from Major General F. J. Herron, commanding the forces of the United States on the Rio Grande, and giving in detail an account of affairs occurring on the 13th of January.

• • • • •

The movement of troops into Matamoras, seems to have been necessary to enable the consul to leave the city.

N. P. BANKS,

Major General, Commanding.

Major General H. W. HALLECK,
General-in-Chief, U. S. A

Official copy :

J. C. KELTON,

Assistant Adjutant General.

General Herron to General Stone.

[Extract.]

HEADQUARTERS UNITED STATES FORCES ON THE RIO GRANDE,
Brownsville, Texas, January 16, 1864.

GENERAL: I enclose herewith my report in reference to sending troops to the other side of the river for the protection of the United States consulate, and believing it will interest you, I add some other facts in connexion with the matter.

Upon arriving here I found Lerna established as governor of Tamaulipas, but Ruiz, who had been appointed military governor by Juarez, was moving on Matamoras with 600 men. Colonel Cortinas was in command of the Lerna forces. Arriving near the town, commissioners from the two parties met and settled the matter in this way: Lerna to retire to his ranche; Ruiz to take his seat as governor; the troops of both parties to unite under General Cassistran, a Ruiz man, with Cortinas as second in command, and to march against the French at Tampico. Lerna at once vacated. Ruiz took his seat, and the troops of both parties were camped in the town.

As near as I can learn the agreement was violated in several particulars by both parties, and considerable feeling was created. On the afternoon of the 12th, about 4 o'clock, Cardenas, an officer of Colonel Cortinas, rode to Governor Ruiz's house and insulted him; was arrested by the guard, carried into a back yard and shot within half an hour. This settled the matter, and at 3

o'clock, the same evening, the parties opened on each other with artillery in the plaza.

The fight continued throughout the night, and until 12 o'clock the next day. During the night, at times, the musketry was severe, and I should say 250 shots were fired with artillery. Mr. Pierce was satisfied that an attempt would be made to rob the consulate, and had great apprehension for his family. The governor having officially notified me that he could not protect him, and believing that I could remove him without complicating matters, I sent troops over, feeling satisfied that under the circumstances I was only doing my duty.

During the fight the town and the road leading to the ferry were filled with robbers doing a good business, and had Mr. Pierce attempted to cross without a guard he would have been robbed, if not murdered. Both parties are perfectly satisfied with my action, although Ruiz complained somewhat that I did not aid him, claiming that the Mexican troops once aided the citizens of Brownsville in repelling an attack of this same Cortinas.

I have the honor to be, with great respect, your obedient servant,

F. J. HERRON,

Major General, Commanding.

Brigadier General C. P. STONE,

Chief of Staff.

HEADQUARTERS, *February 3, 1864.*

Official copy:

J. C. KELTON,

Assistant Adjutant General.

—
General Herron to General Stone.

HEADQUARTERS UNITED STATES FORCES ON THE RIO GRANDE,

Brownsville, Texas, January 15, 1864.

GENERAL: I have the honor to make the following report of circumstances that transpired on the night of the 13th instant:

About 8 o'clock in the evening we were startled by rapid cannonading and musketry firing, evidently going on in the streets of Matamoras, just across the Rio Grande, which continued without cessation, and spreading over the greater portion of the town until 10 o'clock.

At this hour I received the following communication from Mr. L. Pierce, jr., United States consul at Matamoras:

"UNITED STATES CONSULATE,

"Matamoras, Mexico, January 12, 1864—10 o'clock p. m.

"GENERAL: A battle is now raging in the streets of this city between the forces of Governor Manuel Ruiz and Colonel Juan N. Cortinas. My person and family are in great danger, as the road between here and the ferry is said to be infested with robbers. I have also about one million of dollars in specie, and a large amount of valuable property under my charge in the consulate, and, from the well-known character of Cortinas and his followers, I fear the city will be plundered. I therefore earnestly request that you will send a sufficient force to protect myself and property, and to transport the money within the limits of the United States at the earliest moment possible.

"I am, sir, very respectfully, your obedient servant,

"L. PIERCE, Jr.,

"United States Consul.

"Major General F. J. HERRON,

"Commanding United States Forces, Brownsville, Texas."

Within a very few moments the following, from Governor Manuel Ruiz, was handed to me :

“MATAMORAS, *January 12, 1864—10 o'clock p. m.*

“SIR : The forces commanded by Colonel Cortinas have attacked my positions, in this place. As this town is very extensive, I cannot protect all, nor guarantee the United States consulate and the large property of American citizens, of different nations, living in this town. For this reason I shall endeavor to repulse the enemy, and ask you the favor to send some troops over to guard and protect the said property, which it is impossible for me to protect.

“I ask you, general, to take this application of mine in high consideration, and to admit my profound respect.

“Your obedient servant,

“MANUEL RUIZ,
“*Governor of Tamaulipas.*

“Major General F. J. HERRON.”

I had, immediately after the firing commenced, despatched an officer (Colonel Black, 37th Illinois infantry,) to the United States consulate, with instructions to inform me at once of the condition of affairs, and hearing from him, also, that the road was infested with robbers, who were taking advantage of the fighting to rob and murder, and that the family of the consul could not get away without a guard, and the legal governor, recognized by President Juarez, having informed me officially that he could not protect him, I deemed it not inconsistent with my instructions to send a small force into the city of Matamoras for the purpose of removing the family of Mr. Pierce and the specie to this side of the river.

I therefore ordered Colonel Henry Bertram, 20th Wisconsin infantry, to send forty men to take charge of the ferry, to put one regiment under arms and call at my headquarters for further orders. Upon reporting, I instructed him to take four companies of his regiment across the river, and proceed to the United States consulate, and there to make proper disposition of his force to protect the United States consul and his property, and to remove them at the earliest possible time to this side of the river.

Instructing him, at the same time, in the most positive manner, not to interfere in the fight. I then replied to Governor Ruiz as follows :

“HEADQUARTERS UNITED STATES FORCES ON THE RIO GRANDE,

“*Brownsville, Texas, January 12, 1864—10½ o'clock p. m.*

“SIR : Your note, dated Matamoras, 10 o'clock p. m., is at hand. Mr. Pierce, the United States consul, wrote at 10 o'clock, urging me to send a force to protect the United States consulate, and at his request I despatched Colonel Bertram, with a small force to the consul's house, to protect him in moving to this side of the river.

“The troops have positive instructions not to interfere with either person or property, and to take no part in the fight. They will protect the consulate until safely removed.

“Regretting exceedingly the troubles which surround you, and with the hope that you may soon quiet matters, I have the honor to be, with great respect, your obedient servant,

“F. J. HERRON,
“*Major General, Commanding.*

“Governor MANUEL RUIZ.”

At the same time I wrote to Mr. Pierce, informing him of the instructions given to Colonel Bertram, and requesting him to prepare for removal at once.

I also sent the following notification to Governor Ruiz, sending a similar one to Colonel Cortinas :

"HEADQUARTERS UNITED STATES FORCES ON THE RIO GRANDE,
" Brownsville, Texas, January 12, 1864—10½ o'clock p. m.

"SIR: I have the honor to state that, owing to a battle now raging in the streets of Matamoras, between your troops and those of Colonel Cortinas, and the danger existing to the person and family of Mr. Pierce, United States consul, I have ordered Colonel Bertram, with four companies of United States troops, to proceed to the house of Mr. Pierce at his request, for the sole and only purpose of conveying them within the territory of the United States. The dangers from assassins and robbers on the road between here and your city seem imperatively to demand this course, which I take reluctantly, with every assurance to you that I shall commit no hostile acts upon Mexican territory, nor interfere in any manner with the fight now going on in your city. I have instructed Mr. Pierce to remove as quickly as possible, that I may withdraw the troops.

"I have the honor to be, with great respect, your obedient servant,
 "F. J. HERRON,
"Major General, Commanding.

"Governor MANUEL RUIZ."

Colonel Bertram proceeded without delay to the other side of the river, marching by the shortest route to the consulate, and placing his troops within the yard which is attached to the house, and such arrangements were then made as would prevent any possibility of interference by our men.

At 12½ o'clock I received the following note from Colonel Bertram:

"AT UNITED STATES CONSULATE,
" Matamoras, January 12, 1864—12½ o'clock p. m.

"GENERAL: I have arrived at the consul's house, and assure you he was very happy to see us. I marched the shortest route, the firing having stopped as soon as we appeared on the streets. The consul thinks Cortinas is gaining ground. I await further instructions.

"Very respectfully,
 "H. BERTRAM, *Colonel, Commanding.*

"Major General F. J. HERRON,
" Commanding United States Forces."

To which I replied as follows:

"HEADQUARTERS UNITED STATES FORCES ON RIO GRANDE,
" Brownsville, Texas, January 12, 1864.

"COLONEL: Your note from the consul's is at hand. You will remain in your position, giving the consul sufficient time to remove his family and the valuables in the consulate to this side. Again let me state that you will interfere in no way with the fight, but keep your men at their posts for the duty assigned them. Send a good officer with the troops at the ferry, and issue the most positive orders prohibiting straggling from the ranks or interference of any nature whatever with either person or property. Should a stray shot come near or even strike one of your men, that will not be considered a sufficient reason for your firing. I have notified both Ruiz and Cortinas of your presence in Matamoras and the purpose. Should you see either of the persons named, state fully what your instructions are.

"Your mission is a delicate one; be extremely careful.
 "Respectfully,

"F. J. HERRON,
" Major General, Commanding.

"Colonel H. BERTRAM."

At 12½ o'clock I received the following from Colonel Bertram :

" AT UNITED STATES CONSULATE,

" *Matamoras, January 12—12½ o'clock p. m.*

" GENERAL: I have received your letter. Your instructions are strictly obeyed, and I have sent the most stringent orders to Lieutenant Colonel Laughlin not to allow anything to be done that could be construed into a violation of your orders. Commissions from both Ruiz's and Cortinas's parties have been here to inquire into the object of our coming over. I told them what my instructions were, and both parties went away satisfied. The consul says he has about one million in specie in his possession, and that he cannot possibly remove it or his family until morning. I have not been able to learn positively which party is gaining. Ruiz still holds the plaza, and I think will hold it until morning.

" Respectfully,

" H. BERTRAM, *Colonel, Commanding.*

" Major General HERRON,

" *Commanding United States Forces.*"

The fighting ceased for an hour after the appearance of my troops; but learning that there was to be no interference, both parties went at it again, taking care, however, to keep some distance from the United States consulate. Matters continued so until daylight, when I sent a sufficient number of wagons to remove the family of Mr. Pierce and property from the consulate. At 7 o'clock a. m. of the 13th they were safely landed on this side, and the troops withdrew. The fighting in the morning was carried on bitterly until 12 o'clock, when the Ruiz party retreated, and were scattered in every direction. The casualties on both sides were about fifty killed and one hundred wounded. Among the killed was ex-Governor Alveus Lopez, a prominent Ruiz man.

Governor Ruiz's forces numbered 800 men and four pieces of artillery, while Cortinas's force was 600 men and six pieces of artillery. Considerable damage was done by the artillery to the town during the fight, and by lawless bands plundering, &c.

Colonel Cortinas has already announced himself as governor of Tamaulipas, while Governor Ruiz, General Rohez, and some other prominent officers, escaped and crossed to this side, and are now here refugees.

I have in this report given merely the facts in detail, and will not enter into any argument in justification of my course. Notified by the governor of the State that he could not protect the United States consulate, and with an appeal from the consul direct for protection for his family and property, I felt that it was unquestionably my duty to furnish a sufficient guard to remove him from the city, taking at the same time every precaution to prevent collision with either of the factions. I might here state that the English consul remained during the night at the United States consulate under our protection. * * *

In conclusion I would say that Colonel H. Bertram, of the 20th Wisconsin infantry, who commanded the troops that crossed over, performed the delicate mission in an admirable manner, and proved himself an officer of more than ordinary judgment. His officers and soldiers are entitled to thanks for their conduct.

I have the honor to be, general, with great respect, your obedient servant,
F. J. HERRON, *Major General.*

Brigadier General C. P. STONE,
Chief of Staff, New Orleans.

HEADQUARTERS, *February 4, 1864.*

Official copy :

J. C. KELTON, *A. A. G.,*

Mr. Pierce to Mr. Seward.

[Extract.]

UNITED STATES CONSULATE,

Matamoras, January 16, 1864.

SIR : Since the arrival of the federal troops (6th November) affairs on this side of the Rio Grande have been in a most complete uproar. Immediately upon the arrival of troops at Brownsville, General Cobos, the reaccionario, crossed over and with a small force seized the governor (Ruiz) and other officials and placed them in confinement, making himself governor, R. Vila military commander, and Colonel Juan N. Cortinas, who created a disturbance and fight in Brownsville several years ago, second in command. After reigning twenty-four hours, Cortinas discovered that Cobos and Vila were endeavoring to get up a pronunciamiento in favor of the French, and he accordingly ordered his men to take them out and shoot them, which was done. Cortinas then proclaimed Jesus de la Lerna governor, and released Ruiz from prison, giving him two hours in which to leave town, referring the whole matter to the general government. In the mean time Ruiz went off to the interior, and as Lerna had been the cause of the revolution two years ago, Ruiz was sent back again to take his seat, with a large escort of regular troops. Lerna, who had arrived in town, supported by Cortinas, made preparations to defend the town, but after ten days' talk on the subject, on the first day of January it was agreed that Ruiz should take the chair, and the troops of both parties should go to Tampico to fight the French, and until they should be ready to start Ruiz should hold one side of the town and Cortinas the other. Everything remained quiet until the afternoon of the 12th, when Octiviano Cardenas, who belonged to the Cortinas party, went to the palace in company with two other officers and insulted the governor. In arresting him he fired his pistol off among Ruiz's soldiers. He was immediately seized, led out, and shot to death. This again started a correspondence between the contending parties, and at 9 p. m. the same evening the fighting commenced in the streets, one party using six pieces of artillery and Ruiz using two. The battle lasted until 11 a. m. on the 13th, when Cortinas took possession of the palace and town, and Ruiz and his friends fled to Brownsville, and at present we are without a governor.

During the night of the 12th, finding that robbing was being carried on in some parts of the town, and I having about a million of dollars in specie under my charge, at 10½ p. m. I applied to Major General Herron, commanding the forces on the Rio Grande, for sufficient men to protect our property from thieves and robbers, and he immediately crossed over a large force, who remained by us until morning, when I sent all the money to Brownsville, and the troops retired.

I am, sir, very respectfully, your most obedient servant,

L. PIERCE, JR., *U. S. Consul.*

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Geofroy to Mr. Seward.

[Translation.]

LEGATION OF FRANCE TO THE UNITED STATES,

Washington, March 20, 1864.

SIR : I have received the note you did me the honor to write to me on the 12th of the month, with the various documents which accompanied it.

It seems, by these papers, that on the 12th of January last, a battle having

been commenced in the city of Matamoras between the two Mexican chiefs, Ruiz and Cortinas, on the application of Mr. Pierce, consul of the United States there resident, who feared for his safety, Major General Herron, commanding the federal troops cantoned at Brownsville, Texas, sent across the frontier four companies of infantry, who came and took up a position in the vicinity of the consulate, and there remained until next day, the 13th; that they took back with them to the other side of the river Mr. Pierce, his family, and the valuables deposited at the consulate.

I remark that this temporary occupation had also been solicited by Ruiz, chief of the Juarists, who wrote at the same time as Mr. Pierce to General Herron, to declare to him that he was not in a condition to protect the United States consulate and the property of American citizens settled in the city, and who, under the pretence of providing for the safety of foreigners, wished probably to get for himself the support, at least apparent, of the federal troops.

On the morning of the 13th, when these were withdrawn, the Juarists disbanded, and Ruiz, with his principal officers, also crossed the river and took refuge at Brownsville.

In fine, it is evident it is General Banks whose charge it is to point it out, that in taking possession of his command General Herron received a communication of the instructions prepared the 23d of November, 1863, by the Department of State, and that in consequence he acted, as also did Consul Pierce, in full knowledge of the subject.

Such are the facts established by the reports of the military commanders of the United States. It would be difficult not to recognize therein a violation of neutrality, and a positive breach of orders, although so clear, which had been given by the Department of State, precisely for the accordance of such eventualities.

I shall carry your excellency's note to the knowledge of the Emperor's government, and be prepared to transmit to it also the report of Major General Banks, which you are pleased to announce to me, as well as all other documents you may deem proper to complete the elucidation of the affair.

Please accept, sir, the assurances of my high consideration.

L. DE GEOFROY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Mr. Geofroy.

DEPARTMENT OF STATE,

Washington, March 23, 1864.

SIR: I have the honor to acknowledge the receipt of your note of the 20th instant, in which you assume that the sending a few troops from Brownsville to Matamoras to protect treasure in the custody of the United States consul at the latter place, during the late civil conflict there, was contrary to the neutrality professed by this government, and which General Banks had been directed to observe in reference to affairs in Mexico. Without meaning to underrate the force of your remarks on this point, I deem it proper to postpone further discussion of this subject until such views of your government as may be formed, after a fair consideration of the correspondence which has already taken place, shall be made known to this department.

Accept, sir, the renewed assurance of my high consideration.

WILLIAM H. SEWARD.

Mr. L. DE GEOFROY, &c., &c., &c.

Mr. Geoffroy to Mr. Seward.

[Translation.]

LEGATION OF FRANCE TO THE UNITED STATES,
Washington, March 29, 1864.

SIR: An American company, which proposes to take the deposits of guano discovered on Swan islands, has addressed the government of the Emperor for the purpose of obtaining special privileges for the exportation of this manure to France.

Before coming to a decision, in this respect, the government of the Emperor would desire to know whether the Swan islands have been effectively and lawfully annexed to the United States. The petitioners have brought to its notice a certificate from your excellency, dated February 11, 1863, attesting that they had complied, in what regards these islands, with the conditions required by the act of Congress of April 18, 1856. But what is the meaning of that act? Does it simply authorize the government of the United States to protect American citizens who discover deposits of guano, or does it establish the protection of the United States over the territory also?

I shall be infinitely obliged to you if you will be so good as to determine my opinion in this respect, and beg you, in the mean time, to accept the assurances of my high consideration.

L. DE GEOFROY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Geoffroy to Mr. Seward.

[Translation.]

LEGATION OF FRANCE TO THE UNITED STATES,
Washington, March 30, 1864.

SIR: The rumor has been already some time spread abroad that a fresh modification of the tariff was going to take place, and that the question would be of enhancing still more the duties, already very heavy, which strike particularly the productions of French industry. The government of his Majesty, justly preoccupied by a project through which the commerce of its people would mainly suffer, has charged me to observe to your excellency that the importation to the United States of our dried fruits, of our oils, of our alimentary preserves, and of our brandies, as well as of our silks, has already diminished under the burden of enhanced duties of customs which have followed one another in years past, and that if new duties be added the increased equivalent price will restrict more and more the consumption in the American market, access to which would end by their being interdicted.

These incessant augmentations of tariffs are not, besides, only injurious to commerce from abroad—they tend moreover to compromise the interests of the American treasury in place of serving them, for the importations, which have already experienced a notable reduction, cannot diminish still more without the receipts at the custom-houses diminishing sensibly in a future close at hand.

The result is already produced in a remarkable manner in what concerns our brandies and our silks, and which I would particularly indicate to your excellency. The importation of our brandies in 1860 amounted at New York alone to 70,480 barrels; the last year it was only 5,922, in consequence of the increase of duties, which Congress raised from 30 to 100 per cent.

The diminution on silk goods has not been less heavy; the ribbons and silk stuffs imported to the United States in 1860 were effectively worth \$35,382,037, while the silk goods imported in 1863 represented only a value of \$15,534,409.

Such figures are conclusive. I am gratified in the hope, sir, that the federal government will take them into serious consideration, and will oppose the pursuit of a system which is, perhaps, still more prejudicial to its own interests than to our trade.

Please accept, sir, the assurances of my high consideration.

L. DE GEOFROY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Mr. Geofroy.

DEPARTMENT OF STATE,

Washington, April 2, 1864.

SIR: I have the honor to acknowledge the receipt of your note of the 29th ultimo, informing me that an American company, which proposes to work the deposits of guano discovered on Swan islands, has addressed the government of the Emperor for the purpose of obtaining special privileges for the exportation of this manure to France, and inquiring whether the Swan islands have been effectively and lawfully annexed to the United States, and whether the act of Congress of the 18th of April, 1856, simply authorizes the government of the United States to protect American citizens who discover deposits of guano, or if it in fact establishes the protection of the United States over the territory also.

I have the honor to enclose three printed copies of the act of Congress referred to, and to inform you in reply that it is unusual, and is deemed unadvisable, to give an executive interpretation of any act of Congress in advance of a case which may actually occur under such act.

Accept, sir, the renewed assurance of my high consideration.

WILLIAM H. SEWARD.

Mr. L. DE GEOFROY, &c., &c., &c.

Mr. Geofroy to Mr. Seward.

[Translation.]

LEGATION OF FRANCE TO THE UNITED STATES,

Washington, April 3, 1864.

SIR: As I have the honor to inform you, I have transmitted to my government the documents which your excellency submitted to me on the subject of the affair at Matamoras. The documents can scarcely have reached Paris at this moment. While awaiting the answer they will occasion, I this morning received a second despatch from M. Drouyn de l'Huys, pointing to new facts, on which I shall have the honor to confer with your excellency on the earliest day my health will permit me to go out; but there is a point which seems to be of importance to bring immediately to your notice. It would appear that on the news of the events of the month of January last General Bazaine took the measures necessary to protect, in the direction of Matamoras, the Mexican territory against any further invasion. Whatever may be the opinion we may form upon past events, you will comprehend, sir, how necessary it is to avoid all complication in the future, that General Banks, and the officers serving un-

der his orders, may be again called to the strict observance of the instructions given the 23d November, 1863, from your excellency's department.

I should not, either, leave you in ignorance that the French troops must also have been directed to Sonora, where, according to reports more or less founded, a very considerable number of emigrants from California must lately have disembarked at Guaymas, and have established themselves in the country in virtue of grants which were made to them by the ex-President Juarez. The mission of our forces is to prevent in Sonora all these takings of illicit possession, if they be really attempted, and, in any case, the lawfulness of concessions which shall have emanated from Juarez will never be admitted. Your excellency will probably judge proper to make this known to American citizens who might allow themselves to be drawn into such speculations.

I seize this occasion to renew to your excellency the assurances of my high consideration.

L. DE GEOFFROY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Mr. Geoffroy.

DEPARTMENT OF STATE,

Washington, April 6, 1864.

SIR: I have the honor to acknowledge the receipt of your note of the 3d instant, in which you inform me that you have received a second despatch from M. Drouyn de l'Huys, pointing to new facts in relation, as I am left to infer, to the proceedings which took place at Matamoras in the case of Mr. Pierce, the consul at that place, and which have been made the subject of recent correspondence, on your part, with this department. I shall with pleasure receive the promised information when the state of your health shall be such as to enable you to visit me, and I sincerely regret the cause by which such a visit is delayed. Since my last note to you on the Matamoras affair was written, I have learned that General Cortinas, with his forces, is certainly adhering to the government of the United States of Mexico. In view of this fact, it is not now apparent to this government that France—being in our view only a belligerent in Mexico, and having no forces at or near Matamoras when the transaction in regard to the consul occurred there—can reasonably expect explanations concerning it from the United States.

You inform me in the note now before me that, on hearing of that transaction in January last, General Bazaine took the measures necessary to protect the Mexican territory in the direction of Matamoras against any further invasion; and you suggest that, in consequence of that proceeding, Major General Banks, and the officers serving under his orders, may be again called to a strict observance of the instructions which I gave to that general on the 23d of November last. Passing over the words "further invasion" as an accidental assumption of a fact which this government has not conceded, and is not yet prepared to concede, I have had no hesitation in informing Major General Banks of the purpose of General Bazaine, and enjoining the United States general to a strict and faithful observance of the instructions of November, which require him to forbear from any form of intervention in the war between France and Mexico.

You also inform me in your last-mentioned note that French forces have been directed towards Sonora, and you bring to my knowledge rumors that a very considerable number of emigrants from California have lately disembarked at Guaymas, and have established themselves in the country in virtue of grants

which were made to them by President Juarez, whom you describe as ex-President; you further state that the mission of the French forces is to prevent, in Sonora, the taking possession of estates under such grants, the lawfulness of which, you say, will never be admitted; and you suggest to me the expediency of making this information known to American citizens who might be destined to allow themselves to be drawn into such speculations.

While I appreciate the frankness and the good will which the Emperor's government manifests in thus communicating its views and purposes on the subject mentioned, it nevertheless remains my duty to say that this government has long recognized, and still does continue to recognize, the constitutional government of the United States of Mexico as the sovereign authority in that country, and the President, Benito Juarez, as its chief. This government, at the same time, equally recognizes the condition of war existing in Mexico between that country and France. We maintain absolute neutrality between the belligerents, and we do not assume to judge, much less to judge in advance, of the effect of the war upon titles or estates. We have no knowledge of such an emigration from California to Sonora as you have described in your note; but if such an emigration has taken place, those persons who thus emigrate will of course be regarded as subjecting themselves to the authority and laws by which the rights of citizens of Mexico are governed; and while it seems unnecessary for the President to assume that such emigrants will claim the protection of this government for any estates of whatever kind they may attain or attempt to attain in Mexico, it would certainly be presumptuous to attempt now to decide upon the validity of such claim.

Peaceful emigration from the United States is entirely free from restraint or influence of the government. Emigrants themselves are generally well informed concerning their rights. Under these circumstances, any interference of the government concerning such emigration would be as inexpedient as it would be without precedent. The case would be different if the act of emigration was attended with preparations and purposes hostile to Mexico, or to either belligerent party, or to any other nation, and therefore incompatible with the laws of the United States or with the law of nations. It is believed that the government of the United States has already sufficiently indicated the views it must take in such a case if it should occur, which, however, there seems no immediate reason to apprehend.

Accept, sir, the renewed assurance of my high consideration.

WILLIAM H. SEWARD.

Mr. L. DE GEOFROY, &c., &c., &c.

Mr. Seward to Mr. Geofroy.

DEPARTMENT OF STATE,

Washington, April 6, 1864.

SIR: I have the honor to acknowledge the receipt of your note of the 30th ultimo, setting forth objections to the increase of duties on the productions of French industry imported into the United States, and to inform you, in reply, that I have submitted a translation of your note to the consideration of the Secretary of the Treasury.

Accept, sir, a renewed assurance of my high consideration.

WILLIAM H. SEWARD.

Mr. L. DE GEOFROY, &c., &c., &c.

Mr. Geofroy to Mr. Seward.

[Translation.]

LEGATION OF FRANCE TO THE UNITED STATES,
Washington, April 7, 1864.

SIR : Upon a request for explanations addressed to him by the minister of the United States at Paris on the subject of the arrest of which Mr. Mansfield, consular agent of the United States at Tabasco, had been the object, the 23d December last, his excellency, the minister for foreign affairs, after having asked for information necessary on the matter from his colleagues of the navy and war, has replied to Mr. Dayton that nothing in the correspondence of the agents of the government of the Emperor in Mexico would authorize a belief that such an incident had taken place. M. Drouyn de l'Huys has, at any rate, written again to Mexico to be more completely informed, but, at the same time, he expresses with good right his astonishment at the measures taken by the government of the United States, which, receiving news of this affair from Tabasco, immediately sent to the place a ship-of-war to obtain intelligence. Although this vessel may not have received the order, the government of the Emperor is pleased to believe, to take any action in the case had Mr. Mansfield been in fact arrested, its envoy does not explain at all, by the wish to make a simple inquiry, and it assumes, therefore, in appearance at least, the character of a certain minatory pressure, which is without any justification in the incident itself, or in the nature of the relations of the government of the Emperor with that of the United States.

Accept, sir, the assurances of my highest consideration.

L. DE GEOFROY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Geofroy to Mr. Seward.

[Translation.]

LEGATION OF FRANCE TO THE UNITED STATES,
Washington, April 7, 1864.

SIR : About the end of December and beginning of January last, two bands, the one of 200 men, the second of 500, detached from the troops which are under the command of General Banks in Texas, went from Brownsville and Brazos Santiago, invaded the Mexican territory by taking advantage of the disorder which reigned at Matamoras, and went and carried off a considerable number of bales of cotton deposited at Boca del Rio Bravo by merchants of Monterey, on the pretence that this merchandise belonged to Americans of the southern States. The government of his Majesty has charged me to call the most serious attention of your excellency to these violations of territory, which, connected with that which I have already had the honor to point out to you previously, would constitute a combination of facts of which I have no need to develop the importance. I therefore beg your excellency to have the goodness to give me on this subject some explanations, and I take this occasion to offer to you the assurance of my high consideration.

L. DE GEOFROY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Mr. Geofroy.

DEPARTMENT OF STATE,

Washington, April 9, 1864.

SIR: I have the honor to acknowledge the receipt of your note of the 7th instant, stating that about the end of December and beginning of January last, bodies of troops from the command of General Banks went from Brownsville and Brazos Santiago, in Texas, into Mexican territory, and carried off a considerable number of bales of cotton lodged at Boca del Rio Bravo. In reply I have the honor to acquaint you that this department has no knowledge, official or otherwise, of the proceeding referred to. Inquiry will, however, at once be made in regard to it, and such further proceedings will be adopted as the result may call for, it being the disposition of this government to maintain entire neutrality between the belligerents in Mexico, and its determination not to authorize or sanction any invasion of Mexican soil.

I have the honor to be, with high consideration, sir, your obedient servant,
WILLIAM H. SEWARD.

MR. L. DE GEORROY, &c., &c., &c.

Mr. F. W. Seward to Mr. Geofroy.

DEPARTMENT OF STATE,

Washington, April 12, 1864.

SIR: Your note of the 7th instant, on the subject of the arrest and imprisonment of Mr. Mansfield, United States consul at Tabasco, by the authorities there, has been received. In reply I have to express regret that the Emperor's government should have regarded the sending of a United States ship-of-war to that quarter, for the sole purpose of inquiring into the transaction, as a minatory proceeding. It certainly was not so intended, but was deemed indispensable from the fact that, even in time of peace, intercourse with Tabasco is irregular, infrequent and indirect. It had become so much more so of late, that this department had not, and even to this time has not received any authentic information in regard to Mr. Mansfield's offence, from either United States, Mexican, or French sources. Of course, no opinion can be formed upon the subject until such information shall have been furnished.

I will add, however, that in directing Mr. Dayton to apprise M. Drouyn de l'Huys that a vessel-of-war had, in point of fact, been despatched to Tabasco, this department inadvertently supposed that that step had been adopted. It has now been ascertained, however, that, at the time when the request for that purpose was made of the Navy Department it was not convenient, nor has it since been convenient, to comply with it. Probably, therefore, a report upon the subject may be received from the Emperor's government before an inquiry in the form indicated can be made by the United States government.

Accept, sir, the renewed assurance of my high consideration.

F. W. SEWARD,

Acting Secretary.

MR. L. DE GEORROY, &c., &c., &c.

Mr. Geofroy to Mr. Seward.

[Translation.]

LEGATION OF FRANCE TO THE UNITED STATES,

Washington, April 17, 1864.

SIR: The direct importation of brandies and spirits is prohibited at New Orleans as contraband of war, and yet some arrive every day indirectly by way of the north for the market at that city, where its sale, wholesale and retail, is permitted without the least restriction.

This anomaly causes to foreign commerce, and especially to French commerce, an unfavorable condition, which nothing seems to me to justify. Permit me, sir, to call your attention to this unjust difference, and to beg you to see if there is not some way of bringing it to a close.

I seize this occasion, sir, to renew to you the assurances of my high consideration.

L. DE GEOFROY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Mr. Geofroy.

DEPARTMENT OF STATE,

Washington, April 22, 1864.

SIR: I have the honor to acknowledge the receipt of a note of the 17th instant, in regard to the prohibition of the importation of brandies and spirits at New Orleans, and stating that notwithstanding such prohibition some arrive every day indirectly from the north, which anomalous condition of things is regarded as unjust to foreign and especially to French commerce.

I have the honor to inform you, in reply, that I have enclosed a translation of your note to the Secretary of the Treasury for his consideration.

I have the honor to be, with high regard, sir, your obedient servant,

WILLIAM H. SEWARD.

Mr. L. DE GEOFROY, &c., &c., &c.

Mr. Geofroy to Mr. Seward.

[Translation.]

LEGATION OF FRANCE TO THE UNITED STATES,

Washington, April 26, 1864.

SIR: Some months since a society was formed in the city of New Orleans, the object of which is to make enrolments and purchases of arms and ammunition destined for Mexico. This association, openly avowed and known under the name of club of the Defenders of the Monroe Doctrine, D. M. D., has its regular meetings, duly announced by means of the newspapers, and employs all measures of propagandism for raising subscriptions and making proselytes. At its head are some Mexican refugees, and notably a Colonel de Borden; some number of federal officers also form part of it, and Governor Hahn himself, whose opinions are known, has been received as a member; already transmissions of arms and munitions have been directed toward the frontier of the Rio Grande, and I am assured, although I do not like to believe it, with the connivance of some of the authorities of the United States. It suffices me to point

out such facts to your excellency. I have too many evidences of the scrupulous care you take to cause the observance of the most exact neutrality in the affairs of Mexico, not to feel certain in advance that the government of the United States will take the most effective measures to repress them, and that it will, in an exemplary manner, deal severely with those of its agents who shall be convicted of having taken part in this.

I seize this occasion to renew to your excellency the assurances of my high consideration.

L. DE GEOFROY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Mr. Geofroy.

DEPARTMENT OF STATE,

Washington, April 28, 1864.

SIR: Recurring to your note of the 30th ultimo, relative to the proposed increase of duties on imports, I have the honor to enclose a copy of the reply of the 23d instant, received from the Secretary of the Treasury, to my letter communicating a translation of your note to him. I shall, without delay, bring the subject under the consideration of the Committee of Ways and Means of the House of Representatives in the manner suggested by Mr. Chase.

Accept, sir, a renewed assurance of my high consideration.

WILLIAM H. SEWARD.

Mr. L. DE GEOFROY, &c., &c., &c.

Mr. Chase to Mr. Seward.

TREASURY DEPARTMENT, *April 23, 1864.*

SIR: I have the honor to return herewith the despatch of M. de Geofroy, chargé d'affaires of France, respecting the proposed increase of duties on articles of French production, caused by your letter of the 6th instant, inviting my attention to the statements of M. de Geofroy, of the operation of the present tariff upon the commerce of France and the United States.

It is a matter of regret that our civil war should affect unfavorably the commercial interests of France, and it is my wish that whatever tariff of duties may be created by Congress under the pressure of our great expenditures, the duties on French products may be in perfect equality with the duties levied on the products of other nations.

I would respectfully suggest that this despatch of M. de Geofroy be communicated to the Committee of Ways and Means, for their consideration.

With great respect,

S. P. CHASE,
Secretary of the Treasury.

Hon. WILLIAM H. SEWARD,
Secretary of State,

Mr. Seward to Mr. Geofroy.

DEPARTMENT OF STATE,

Washington, April 30, 1864.

SIR: Recurring to your note of the 17th instant, relating to the importation of brandies and spirits at New Orleans, notwithstanding the prohibition thereof,

I have the honor to enclose, in reply, a copy of a letter of the 26th instant, from the Secretary of the Treasury, on the subject, from which it appears that foreigners, as well as citizens of the United States, are permitted to engage in such trade, under certain restrictions, explained in the printed regulations which accompany his letter. The instructions to consuls of the United States, mentioned in the last paragraph of that letter, were given some time since.

Accept, sir, a renewed assurance of my high consideration.

WILLIAM H. SEWARD.

MR. L. DE GEOFROY, &c., &c., &c.

Mr. Chase to Mr. Seward.

TREASURY DEPARTMENT, *April 26, 1864.*

SIR: I have the honor to acknowledge the receipt of your letter of the 22d instant, enclosing a translation of the note of M. de Geofroy, relative to the alleged introduction of brandies and spirits into New Orleans, notwithstanding the prohibition made by the instructions of this department, when the blockade of that port was relaxed.

Brandies and spirits may be transported to New Orleans under the 38th regulation of trade, issued September 11, 1863, by the special direction of the supervising special agent, sanctioned by the general commanding; and I have reason to believe that all spirituous liquors sold in that city are transported thither in accordance with that regulation.

The operation of this rule is not restricted to citizens of the United States, but subjects of foreign governments are at liberty to avail themselves of the advantages of such trade on complying with the laws and regulations referred to.

To accomplish this, however, it will probably be necessary for your department to issue instructions to United States consuls to grant licenses for shipment of liquors to the reopened ports, the shipment of which is previously approved by the general commanding and supervising special agents as above.

With great respect,

S. P. CHASE,
Secretary of the Treasury.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Geofroy.

DEPARTMENT OF STATE,
Washington, April 30, 1864.

SIR: I have the honor to acknowledge the receipt of your note of the 26th instant, relative to the alleged formation of a society at New Orleans, the object of which is to make enrolments, and purchase of arms and ammunition, destined for Mexico, and stating that already transmissions of arms and munitions have been directed towards the frontier of the Rio Grande.

I have the honor to inform you, in reply, that letters have been addressed by this department to the governor of Louisiana, and to Major General Banks, requesting an inquiry into the matters thus reported, with a view to insure a strict observance of neutrality on the part of officers and citizens of the United States.

Accept, sir, a renewed assurance of my high consideration.

WILLIAM H. SEWARD.

MR. L. DE GEOFROY, &c., &c., &c.

Mr. Geofroy to Mr. Seward.—Received May 26, 1864.

[Translation.]

LEGATION OF FRANCE TO THE UNITED STATES.

Mr. de Geofroy presents his compliments to Mr. Seward, and begs him to be so good as to obtain from the Department of War an answer to his note of the 2d of March last, relative to Mr. Cauvet, irregularly enrolled in the federal army..

* * * * *

Mr. Geofroy to Mr. Seward.—Received May 27, 1864.

[Translation.]

It seems that Brownsville, on the Rio Grande, is the very active centre of a traffic in articles contraband of war, a traffic which is carried on for account of the agents of Mr. Juarez, and that the federal authorities, who are accused of deriving large profits from it, favor, in place of hindering it; that General Herron, who commands at Brownsville, is on the best terms with Mr. Cortinas, whom he aids with all his power, by furnishing him arms, munitions, and even recruits, and that he loudly avows his sympathies with the pretended government which he still represents at Matamoras. The collector of the federal customs at Brownsville must be also, as it is given out, in connivance with Mr. Cortinas.

It seems that at this moment a ship is being laden near Boston, which is to carry to Mexico one or two batteries of artillery, carbines, swords, and bayonets. Contracts for these articles, contraband of war, have been made already, some weeks since, and the vessel which will carry them will, to turn aside suspicion, be cleared from some small port in New England. She will be given Brazos as her destination, which is at a short distance from the mouth of the Rio Grande, and from that locality the cargo will be sent on its way to a point occupied by the agents of Mr. Juarez.

Mr. Seward to Mr. Geofroy.

DEPARTMENT OF STATE,

Washington, May 28, 1864.

SIR: On the 30th of April last I had the honor to receive your note, written on the 26th of that month, in which you informed me that a society had been formed in the city of New Orleans, the object of which is to make enrolments and purchases of arms and ammunition destined for Mexico. You further informed me that this association, openly avowed, and known under the name of the club of the "Defenders of the Monroe Doctrine, D. M. D.," has its regular meetings, duly announced by means of the newspapers, and employs all means of propagandism for raising subscriptions and making proselytes; that at its head are some Mexican refugees, and notably a Colonel De Borden, some number of federal officers also form part of it, and Governor Hahn himself, whose opinions are known, has been received as a member; that transmissions of arms and munitions have already been directed towards the Rio Grande, and that you were assured, although you did not like to believe it, that such transmission of arms and munitions were made with the connivances of some of the authorities of the United States.

I lost no time in bringing the complaints which you thus preferred, in their full effect, to the knowledge of Major General Banks, who is in command of

the United States forces west of the Mississippi, and also to the knowledge of his excellency Michael Hahn, the governor of the State of Louisiana.

I have now the honor to inform you that I have received from the governor of Louisiana an official communication in relation to these complaints, of the effect following, namely: that there is a society or club in New Orleans under the name of the "Defenders of the Monroe Doctrine;" that his excellency Michael Hahn is not a member of the club, or of any similar association; that the presiding officer of the club is Colonel F. N. D. S. Borden, who is understood to be a loyal citizen of the republic of Mexico; that the only citizens of New Orleans who are known to the governor as belonging to the club are a few young men of no considerable influence; that the object of the club, so far as the governor has been able to ascertain it, is to bring moral influences to bear upon the government of the United States in favor of a maintenance of the Monroe doctrine, but not to act in violation of the law, or of the well-understood governmental policy of neutrality, in the war which exists between France and Mexico; that so far as the governor has learned, there has been neither any enrolment of men, nor any subscriptions of money, by the club, or by any other association, for the purposes of war in Mexico. Nor have any arms, ammunition, or men, been sent there, through any association of persons in the State of Louisiana, so far as the governor knows, or has even heard.

I am further assured by his excellency that he cordially co-operates with the other public officers in Louisiana in carrying out the known instructions and wishes of the President and this department, and in observing and enforcing the provisions of the law relating to the neutrality of the United States in the war between France and Mexico.

It remains only to assure your excellency that this department reposes implicit confidence in the statements of Governor Hahn; and, consequently, that there have been no such violations of the neutrality of the United States in New Orleans, as through misinformation your excellency has been led to represent.

Accept, sir, a renewed assurance of my very high consideration.

WILLIAM H. SEWARD.

Mr. L. DE GEOFROY, &c., &c., &c.

Mr. Seward to Mr. Geofroy.

DEPARTMENT OF STATE,

Washington, June 8, 1864.

SIR: With reference to your communication of the 2d of March last, respecting the case of A. Cauvet, which was referred to the Secretary of War for investigation, I have the honor to transmit for your information a copy of a letter of the 28th ultimo from that officer relative to the matter.

Accept, sir, the renewed assurance of my high consideration.

WILLIAM H. SEWARD.

Mr. L. DE GEOFROY, &c., &c. &c.

Mr. Stanton to Mr. Seward.

WAR DEPARTMENT,

Washington, May 28, 1864.

SIR: I have the honor to acknowledge the receipt of your letter of the 26th instant, recalling attention to your communication of the 9th March last, rela-

tive to A. Cauvet, and, in apply, to inform you that, on reference to the Adjutant General, he reports that "the communication from the Department of State, dated March 9, 1864, relative to a French subject by the name of Cauvet, was received at this office March 11, 1864; referred March 15, 1864, to commanding officer department of the south for investigation and report, and received back with report April 9, 1864; again referred to the acting assistant provost marshal general, southern district of New York, April 12, 1864, not yet received back." As soon as a satisfactory report is received it will be communicated.

I am, sir, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Geofroy.

DEPARTMENT OF STATE,
Washington, June 21, 1864.

SIR: With reference to the memorandum, without date, relative to an alleged traffic in articles contraband of war, through Brownsville, on the Rio Grande, with the agents of President Juarez, which was received from the legation of France on the 27th ultimo, I have the honor to state, for your information, that Major General Banks, to whom a translation of that paper was communicated, has apprised me that the subject has received attention; that arrests have been made, and that goods have been seized upon the supposition that they were destined for a contraband trade with Mexico; that Major General McClernand, commanding the 13th army corps, being absent in consequence of sickness, has requested that Major General Herron will be assigned to the command of that corps, and his quarters will be established in the State of Louisiana.

Accept, sir, the renewed assurance of my high consideration.

WILLIAM H. SEWARD.

Mr. L. DE GEOPROY, &c., &c., &c.

Mr. Seward to Mr. Geofroy.

DEPARTMENT OF STATE,
Washington, June 22, 1864.

SIR: Referring to your note of the 26th of April last, and to my replies of the 30th of that month and 28th ultimo, in regard to the formation of a society at New Orleans, under the name of the club of the Defenders of the Monroe Doctrine, and to the alleged objects and proceedings of that association, I have now the honor to acquaint you that I have received information from Major General Banks corroborating the statements made by his excellency Governor Hahn, which were imparted to you in my note of the 28th ultimo. General Banks further reports, that if there are any federal officers connected with the before-named society, they are not men of influence or character. Officers may have been led in some instances to associate themselves with it out of motives of curiosity, but have abandoned the organization as soon as its unlawful character and purposes became known; that a Colonel Van Zandt, one of the persons lately arrested, has been dismissed from the service. If enlisted

men are connected with it, they are without influence, and in many instances of disreputable character; that as a combination this association is unimportant in its influence upon international relations, but that there are some dangerous men connected with it; that they had before and since the receipt of my communication to Major General Banks, of the 30th April, been under close surveillance; that their objects are to enlist men, and, perhaps, to obtain arms and other materials for offensive demonstrations in Mexico or elsewhere; that it is quite as likely, however, to be intended to further their own ambitious personal projects and fortunes as to interfere in the affairs of Mexico or any other nation; that an arrest of these parties was made at the earliest moment when proof could be obtained of that purpose; that the steamer Crescent, upon which they had taken passage for Brownsville, was seized a few days since by Brigadier General Bowen, provost marshal general, and the departure of the expedition prevented.

In conclusion, Major General Banks reassures me that every precaution will be taken to avoid any unlawful interference with the affairs of Mexico, in violation of the policy of this government, as defined in my instructions to him.

Accept, sir, a renewed assurance of my highest consideration.

WILLIAM H. SEWARD.

Mr. L. DE GEOFFROY.

Mr. Geoffroy to Mr. Seward.

[Translation.]

LEGATION OF FRANCE TO THE UNITED STATES,

Washington, June 22, 1864.

SIR: I have received the note which you did me the honor to address to me yesterday, to announce to me that the memorandum which I remitted to your excellency on the 27th of last month, on the subject of shipments of arms and munitions to Mexico by the frontier of the Rio Grande, having been communicated to Major General Banks, that officer had just informed your excellency that he had given his attention to the affair, and, in consequence, had caused the seizure of some articles suspected of being contraband of war destined to Mexico; and, besides, that General Herron had been called to the position of General McClernand, in command of the 13th corps, who would have his headquarters in Louisiana.

I hasten, sir, to thank you for the news, and am going to communicate it to the government of the Emperor, which will appreciate, no doubt, as I myself do, both the promptitude of your excellency in sending these orders to New Orleans, and the diligence of Major General Banks in executing them.

Accept, sir, the assurance of my high consideration.

L. DE GEOFFROY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Geoffroy to Mr. Seward.

[Translation.]

LEGATION OF FRANCE IN THE UNITED STATES,

Washington, July 2, 1864.

SIR: I have the honor to transmit to you herewith the copy of a petition which was recently addressed to the consul general of the Emperor at New

York, by Captain Chaniel, commanding the ship called *Provençale*, from Senegal, and by Mr. Bergham, the consignee of that ship. It would appear from this document that after the regular entry at the custom-house, and at the time they were proceeding to the discharge of the cargo, consisting of skins, gums, and nuts, the custom-house officers objected to the landing of the nuts until said merchandise had paid the double of the duty already assessed and paid, upon the ground that the productions of Senegal do not enjoy the same privileges reserved by the treaty between France and the United States to the productions of France.

The question started by the custom-house appears to me to be the result of an error, for in the case that the custom-house had a right to exact a higher duty upon productions other than those directly coming from the French ports on the European continent, this tax could only be a discriminating duty, which generally amounts to ten per cent. upon the sum of the regular duties, and not the double of it, as demanded in the present case.

The captain and consignee of the *Provençale* have suspended the work of unloading until more fully informed. I therefore request your excellency to be pleased to ask for, and communicate to me, as soon as possible, a decision upon this subject from the Treasury Department.

Accept, sir, the assurance of my high consideration.

L. DE GEOFROY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Geofroy to Mr. Seward.

[Translation.]

LEGATION OF FRANCE TO THE UNITED STATES,
Washington, July 8, 1864.

SIR: I have the honor to communicate to you the extract from the despatch of his Majesty's consul at San Francisco, which points out to me shipments of powder and arms to Mexico, which would take place from California, at the instigation of an agent of Juarez, named Vega, and I beg your excellency will be so good as to address to the authorities of that State orders analogous to those which stopped in Louisiana movements of the like nature.

Accept, sir, the assurance of my high consideration.

L. DE GEOFROY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Cazotte to Mr. Geofroy.

[Translation.]

SAN FRANCISCO, *June 10, 1864.*

Since the departure of Mr. James, collector of the customs at San Francisco, the deputy collector, who replaced him, Mr. Cushman, has the air of receiving with great earnestness my communications for hindering the shipment of arms, gunpowder, and articles contraband of war, destined for Mexican ports, but the sum of it is, that he does nothing to stop them.

There is here a Mexican general, named De Vega, who has come with money to get ready armaments in favor of ex-President Juarez; he purchases small vessels, loads them with arms and gunpowder, and applies at the custom-house,

through his agents, to clear these vessels for the river Colorado, where there are several American settlements. In this manner the vessels get away with the permission of the custom-house, and under any pretext touch at some points on the Mexican coast, where they land their cargoes. Thus, quite lately, the American schooner Potter, cleared on these conditions, put ashore at Guaymas 2,500 barrels of gunpowder and fire-arms. I complain bitterly of these subterfuges to the local authorities. I ask the deputy collector to exact security from the fitters out of vessels laden with articles contraband of war, and cleared for the American ports on the banks of the Colorado; he promises me mountains and miracles, but I do not obtain from him any positive result. The chief of police only, Mr. Burke, actively seconds my investigations.

CAZOTTE.

Mr. Seward to Mr. Geofroy.

DEPARTMENT OF STATE,
Washington, July 9, 1864.

SIR: With reference to the memorandum, without date, which was received at this department from his Imperial Majesty's legation, and which related, among other things, to a trade in articles contraband of war, between Brownsville and Matamoras, and with reference also to my reply of the 21st ultimo, I now have the honor to enclose, in further reply, a copy of a communication of the 8th instant from the Secretary of the Treasury, from which it appears that you have been misinformed.

Accept, sir, a renewed assurance of my high consideration.

WILLIAM H. SEWARD.

Mr. L. DE GEOFROY.

Mr. Fessenden to Mr. Seward.

TREASURY DEPARTMENT, July 8, 1864.

SIR: Your communication of May 28, enclosing translation of a memorandum from Mr. L. De Geofroy, chargé d'affaires of France, relative to "an alleged trade in articles contraband of war with Mexico, through the port of Brownsville, Texas," was duly received and referred to the officers of this department at Brownsville for report.

I now have the honor to transmit copy of the reports of the acting collector of customs at Brownsville and the assistant special agent for the district of Texas.

Very respectfully,

W. P. FESSENDEN,
Secretary of the Treasury.

HON. WILLIAM H. SEWARD,
Secretary of State.

Mr. Breckinridge to Mr. Chase

TREASURY DEPARTMENT,
Washington, June 2, 1864.

SIR: I have the honor to acknowledge the receipt of your favor of the 1st, enclosing a communication from the Hon. Secretary of State, together with the memorandum from the chargé d'affaires of France.

I left Brownsville, Texas, about the 7th ultimo. Up to that time no goods contraband of war had been sent into Mexico or sold to the agents of the Mexican government.

I do not know of a single article contraband of war having come to the port of Brazos de Santiago, and feel sure that trade in contraband goods could not exist, even to a very limited extent, without my knowledge.

Respectfully, &c.,

G. W. BRECKINRIDGE,
Assistant Special Agent.

Hon. S. P. CHASE,
Secretary of the Treasury.

Mr. Worthington to Mr. Chase.

TREASURY DEPARTMENT, *June 26, 1864.*

SIR : I have the honor to acknowledge the receipt of communication dated May 28, Department of State, enclosing a memorandum from the French chargé d'affaires concerning a trade in munitions of war alleged to be carried on between Brownsville, Texas, and Matamoras, Mexico.

In reply to the surmise I have only to report that till the last of May I was daily and constantly at Brownsville in charge of the custom-house affairs, and I am certain that no such trade existed ; in fact, the sole trade we had was with New Orleans, a city itself under martial law, and from whence no such supplies could be drawn.

As for the connivance of the collector of the customs, it is useless to refute, as he has no discretionary powers in such matters. Should munitions of war arrive at the port of Brazos de Santiago, they will come under the authority of the proper authorities ; should they not have those authorizations they would, of course, be seized as contraband.

As regards the loading of a vessel or vessels near Boston with munitions for Mexico, I know nothing, nor have I ever heard of such a scheme.

I would also beg leave to refer you to the monthly reports of exports and imports, which show *all* the business of that department, to see how fallacious are any such reports.

With the most high respect, &c.,

CHARLES WORTHINGTON,
Special Agent and Acting Collector.

Hon. S. P. CHASE,
Secretary of the Treasury.

Mr. Seward to Mr. Geoffroy.

DEPARTMENT OF STATE,
Washington, July 14, 1864.

SIR : I have the honor to acknowledge the receipt of your communication of the 8th instant, reporting contemplated shipments of powder and arms from California to Mexico, and in reply to inform you that the attention of the proper departments will be immediately called to the matter.

Accept, sir, a renewed assurance of my high consideration.

WILLIAM H. SEWARD.

Mr. L. DE GEOFFROY, &c., &c., &c.

Mr. Seward to Mr. Geofroy.

DEPARTMENT OF STATE,
Washington, July 15, 1864.

SIR : Recurring to your note of the 2d of March last, relative to A. Cauvet, alleged to have been improperly enlisted into the United States army, I have the honor to enclose, in reply, a copy of a communication of the 8th instant from the Secretary of War, from which it appears that the person to whom your note relates died from wounds received in battle.

Accept, sir, a renewed assurance of my high consideration.

WILLIAM H. SEWARD.

Mr. L. DE GEOFROY, &c., &c., &c.

Mr. Stanton to Mr. Seward.

WAR DEPARTMENT,
Washington City, July 8, 1864.

SIR : I have the honor to transmit herewith a copy of the report of the Adjutant General in the case of A. Cauvet, a French subject, alleged—in the note of the minister of France of the 2d March last, a translation of which accompanied your letter of the 9th same month—to have been fraudulently enlisted into the military service of the United States.

I am, sir, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

Hon. WILLIAM H. SEWARD,
Secretary of State.

ADJUTANT GENERAL'S OFFICE,
Washington, D. C., July 6, 1864.

Secretary of State forwards papers from the French minister relative to the fraudulent enlistment of one *A. Cauvet*, a French subject, enlisted in the 3d regiment "V. H. V." The commanding officer 3d New Hampshire volunteers reports that *E. Caulet*, who is borne on the records of this office as a native of France, and who is supposed by this office and by the commanding officer of the 3d New Hampshire volunteers to be the man referred to by the French minister as "*A. Cauvet*, 3d V. H. V.," was wounded at Drury's Bluff May 16, 1864, and died May 22, 1864. No further action is therefore deemed necessary in the case.

SAM'L BRECK,
Assistant Adjutant General.

Mr. Geofroy to Mr. Seward.

[Translation.]

LEGATION OF FRANCE TO THE UNITED STATES,
Washington, July 18, 1864.

SIR : I have received the letter dated the 15th, in which you inform me, while transmitting to me the report of the military authorities, that the person

named Cauvet, a French subject, whose discharge I had asked in the month of March last, was killed on the 18th of May, in the action at Drury's Bluff.

It appears from an official communication from the Secretary of War, which your excellency had transmitted to me at the time, that at the date of the 12th April, sundry communications had been exchanged between his department and the chiefs of that corps respecting the said Cauvet, which communications have never been brought to my knowledge, from which I infer that they proved the fact of the kidnapping. At that period, therefore, the War Department knew what to do with respect to said Cauvet; it could have ordered his discharge, and it could readily do so, for the campaign had not yet commenced. Administrative delays, to be deplored, have retained him under the banners until he has there found death.

I limit myself to point out to your excellency this new fact, having furthermore nothing to add to the reflections which the analogous case of the seaman Martin have inspired me with, and which I submitted on the 6th of this month to your impartial appreciation.

I avail myself of this occasion to renew to your excellency the assurances of my high consideration.

L. DE GEOFROY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Geofroy to Mr. Seward.

[Translation.]

LEGATION OF FRANCE TO THE UNITED STATES,
Washington, July 20, 1864.

SIR: Upon the initiative taken by some honored citizens of the Swiss Confederation, particularly by General Dufour and Mr. Henri Dunant, an international conference was held at Geneva in the month of October last for the purpose of finding means to meet the insufficiency of the sanitary service in armies in the field. The larger number of foreign governments were there represented by delegates, and resolutions were adopted for carrying into effect the generous thought.

Encouraged by these first results, the Genevese committee of aid for wounded soldiers has expressed the wish that an international congress, at which all governments should be invited to take part, could assemble to examine the resolutions of that conference, and to change them, if there was room for it, into a diplomatic arrangement.

The Swiss federal council has thought it ought to become the interpreter of this wish by addressing to all the foreign states official invitations for the assemblage at Geneva of a general congress, the opening of which should be fixed for the 8th of August next; and knowing, besides, the lively interest which the Emperor takes in this work of humanity, it has expressed the desire that its measures should be sustained by his Majesty's government. The Emperor has, in effect, shown from the beginning all the sympathy with the project which the federal council now seeks to realize, and has willingly declared himself ready to second the efforts of the promoters of an enterprise called to render such useful service to armies in the field, and to soften the evils inseparable from war. I am therefore authorized, sir, to make known this sentiment to the government of the United States, and to testify to it the satisfaction his Majesty would experience to see the acceptance by it of the propositions of the federal council. The delegates of the government of the Emperor to the inter-

national congress of Geneva will be Mr. Tagerschmidt, sub-director in the department of foreign affairs; de Preval, sub-military intendant; and Boudier, principal physician.

Accept, sir, the assurance of my high consideration.

L. DE GEOFROY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Mr. Geofroy.

DEPARTMENT OF STATE,

Washington, July 22, 1864.

SIR: Referring to your note of the 2d instant, relative to the duties exacted by the collector of customs at New York upon the cargo of the ship *Provençale*, I have the honor to enclose, in my reply, a copy of a letter of this date from the Secretary of the Treasury on the subject.

Accept, sir, a renewed assurance of my high consideration.

WILLIAM H. SEWARD.

Mr. L. DE GEOFROY, &c., &c., &c.

Mr. Fassenden to Mr. Seward.

TREASURY DEPARTMENT, July 22, 1864.

SIR: I have the honor to acknowledge the receipt of your letter of the 6th instant, enclosing "translation of a communication of the 2d instant from Mr. L. de Geofroy, relative to the exaction of double duty on certain goods forming part of the cargo of the ship *Provençale*, from Senegal, by the custom-house authorities at New York."

Some delay has occurred, on account of the recent interruption of mail communication with New York, in my receiving a report in the case required of the collector of that port. That report, dated 20th instant, is now before me. The collector says, "That the French bark *Provençale* arrived at that port on the 20th June, from Goree, west coast of Africa; that the regular rates of duty fixed by law were charged upon the several items of the cargo to which they applied, together with the 50 per cent. additional duty provided by the joint resolution of the 29th April; and also a discriminating duty of 10 per cent. ad valorem under section 3 of act of 5th August, 1861; French vessels not being entitled by reciprocal treaties to be exempt from discriminating duties, as per General Regulations of 1st February, 1857, page 483, section 3. This discriminating duty so charged has not been collected."

It will be seen from this report that the petitioner (the master of the *Provençale*) has misapprehended the facts of the case, mistaking the 50 per cent. additional duty assessed alike upon the cargoes of American and foreign vessels, under the joint resolution of 29th April, for a discriminating duty, and that the action of the collector was in accordance with law.

I do not understand Mr. de Geofroy as claiming exemption for the goods in question from the charge of the discriminating duty of 10 per cent.; but if he does, I may add that the treaty of June 24, 1822, (Stat. at Large, vol. 8, pp. 278 and 280, arts. 1, 2, 3, and 7,) expressly limits the exemptions to "productions of the soil or industry of France, imported in French bottoms into the ports of the United States."

That it was not intended to extend to the productions of French colonies is further shown by several subsequent acts of Congress extending similar privi-

leges to certain French possessions, among which, however, Senegal is not included, as, for instance, the acts of May 9, 1828, Stat., vol. 4, p. 269, chap. 49; July 13, 1832, Stat., vol. 4, p. 573, chap. 196, and others.

With great respect,

W. P. FESSENDEN,
Secretary of the Treasury.

HON. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Geofroy.

DEPARTMENT OF STATE,
Washington, August 5, 1864.

SIR: I have the honor to acknowledge the receipt of your note of the 20th ultimo, in regard to an international congress proposed by the Swiss federal council, and seconded by the government of the Emperor, with a view to finding means to improve the sanitary service in armies in the field.

You do me the honor to inform me that his Imperial Majesty has, from the beginning, shown all the sympathy with this project which the federal council now seeks to realize, and that you are authorized to testify to the satisfaction his Majesty would experience in seeing the acceptance, by this government, of the proposition of the federal council for the nomination of delegates on the part of the United States to attend the congress.

I have the honor, in reply, to request you to convey to the government of the Emperor the thanks of that of the United States for the invitation to take part in an enterprise so beneficent in its purpose; and I beg you to inform them, at the same time, that I have caused proper steps to be taken in regard to the matter through the United States minister at Berne.

Accept, sir, a renewed assurance of my high consideration.

WILLIAM H. SEWARD.

Mr. L. DE GEOFFROY, &c., &c., &c.

Mr. Seward to Mr. Geofroy.

DEPARTMENT OF STATE,
Washington, August 23, 1864.

SIR: With reference to the case of A. Cauvet, which was the subject of your note to this department of the 18th ultimo, I have the honor to communicate a report from the Adjutant General to the Secretary of War, of the 20th instant, and the documents by which it was accompanied.

Mr. Stanton, in his letter to this department, transmitting the report, expresses an opinion that these papers show:

First. That no person bearing the name of A. Cauvet (the name furnished by you) has at any time been in the military service of the United States.

Second. That if the person entered upon the muster-rolls as E. Caulet be the person referred to by you, the War Department was misled in its investigation by the information which you furnished, or by the false designation of himself given by the signature of A. Cauvet.

This department sees no reason to withhold its concurrence in this opinion. The Secretary of War also expresses what seems to be a just sensibility, that the authorities of his department should, upon ex parte representations only, have been charged with kidnapping Cauvet, whose case is claimed to have been

as promptly, diligently, and impartially examined as, under the circumstances, was practicable.

I feel confident that you will authorize me to assure him that you have not designed to be understood as adopting that imputation.

The report of the Adjutant General being an original paper, I would be obliged by the return of it, and of the papers which accompany it, when you shall have done with them.

Accept, sir, the renewed assurance of my highest consideration,

WILLIAM H. SEWARD.

Mr. L. DE GEOFROY, &c., &c., &c.

Gen. Townsend to Mr Stanton.

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,

Washington, August 20, 1864.

SIR: In reply to the letter of the honorable William H. Seward of the 2d instant, in relation to the case of "A. Cauvet," or "E. Caulet," referred to this office, I have the honor to report that, on the 9th day of March, 1864, a letter was received from the Secretary of State, addressed to the Secretary of War, accompanied by a letter dated the 2d of March, addressed by Mr. L. de Geofroy, of the French legation, to the Secretary of State, and a translation of a statement signed "A. Cauvet, 3d regiment V. H. V., Morris island, South Carolina," copies whereof, marked A, are hereto attached. These papers were, immediately upon their receipt, referred to the Adjutant General of the army for investigation and report upon the subject to which they related.

There is no military organization in the service of the United States known or designated by the initials "V. H. V.;" examination was therefore made of all the muster-rolls of the troops at Morris island on the 23d day of December, 1863, and it was found that no name of "A. Cauvet" was entered thereon.

On the 15th of March, in order that further investigation might be made at the place where "A. Cauvet" represented himself to be, the letter of the Secretary of State, with the letter of Mr. Geofroy and the accompanying translation, signed "A. Cauvet," was transmitted by the Adjutant General to Major General Gillmore, commanding the department of the south, (of which Morris island, South Carolina, forms a part,) with directions to investigate and report upon the subject-matter of the inquiry presented by the letter of the Secretary of State. That reference was received at Hilton Head by General Gillmore on the 24th of March, and was by him referred to the commanding officer of the 3d New Hampshire volunteers, it being conjectured that by a mistake of "A. Cauvet," or the transcriber of his letter, the initials "V. H. V." might be intended to denote that regiment, which is designated by the initials "N. H. V." Two days afterwards, (on the 26th of March,) the commanding officer of the 3d New Hampshire regiment reported to General Gillmore that there was no such man as the person described by Mr. Geofroy in that regiment. On the 28th of March the papers were returned to General Gillmore, with the report that there was no such man found in the regiment named. This report of General Gillmore was received by the department on the 9th day of April.

The paper furnished by Mr. Geofroy, and signed "A. Cauvet," represented that he was put into the army of the United States in the city of New York, and on the 12th of April, three days after the receipt of General Gillmore's return, the letter of the Secretary of State, with Mr. Geofroy's letter and the

accompanying translation, signed "A. Cauvet," was referred to Brigadier General William Hays, assistant provost marshal general for the southern division of New York, having in charge enlistments made in the city of New York, for such information as he could obtain in relation to the enlistment of the person mentioned by Mr. Geofroy. Diligent examination was made by this provost marshal, who, on the 27th of May, reported that he was unable to find any record of this man's enlistment.

On the 26th of May a second letter was received from the Secretary of State (a copy of which, marked B, is hereto attached) in relation to the case, which had, during all the intermediate period, been under examination at Washington, in the department of the south, at Morris island, and in New York; and on the 28th of May, but before the report of the provost marshal was received, a reply was transmitted to the Secretary of State, a copy of which, marked C, is hereto appended.

No trace of "A. Cauvet" having been found at Morris island, or in the city of New York, under the supposition that there might possibly be a mistake by "A. Cauvet" as to the number of the regiment, the case was referred to the mustering officer in the State of New Hampshire, with instructions to make an investigation of all the rolls of volunteers from that State. On the 15th of June Captain Silvey, mustering officer in the State of New Hampshire, reported that no such name as "A. Cauvet" was found in the records of his office. A re-examination of the rolls in the War Department was then ordered, for the purpose of ascertaining if any person bearing a French name had been mustered into the service in the 3d regiment of New Hampshire volunteers, and it was found that a person designated by the name of "Emile Caulet" was mustered into the service on the 10th of October, 1863, at West Lebanon, in the State of New Hampshire, in the 3d regiment of New Hampshire volunteers, (which regiment was, on the 23d December, 1863, serving at Morris island) as a substitute for one William N. Stowell, of Claremont, in the State above named. A photographic copy of the enlistment paper is hereby annexed, marked D, and also a photographic copy of his signature on the pay-roll. Upon this report being received, on the 16th of June, the subject was again referred to the commanding officer of the 3d New Hampshire volunteers serving at Morris island, to ascertain and report whether "Emile Caulet" could be the person referred to by Mr. Geofroy as "A. Cauvet." On the 28th of June the report of the commanding officer was received, dated at the headquarters of the 3d New Hampshire volunteers, at Bermuda Hundred, to which place the regiment, with the forces that were serving on Morris island, had been transferred. A copy of his report is herewith transmitted, marked E. On the 6th of July the Adjutant General made a report in the case to the Secretary of War, a copy of which is hereto annexed, marked F. This report was communicated to the Secretary of State by a letter dated the 8th of July, a copy of which is also annexed, marked G.

From the time when Mr. Geofroy's letter was received by this department, on the 11th of March, the most diligent industry was employed by the Adjutant General, and by the military officers to whom reference was made, to ascertain whether such a person as A. Cauvet, mentioned in the letter of Mr. Geofroy, was in the military service of the United States, and the circumstances under which he was mustered in, with a view to such action as the facts, when discovered, might require. But neither the enlistment rolls nor investigation by commanding officers disclosed that any person bearing the name of A. Cauvet was mustered into the service in New York, or was in any military organization of the United States at Morris island or elsewhere, on the 23d day of December, 1863. If the conjecture of Colonel Plympton, that the person borne on the

rolls as E. Caulet is the same mentioned by Mr. Geofroy as A. Cauvet, be correct, the department was misled in its investigation by Mr. Geofroy and the translated papers furnished. No delay, failure, or neglect of duty can justly be imputed to any officer of the service properly to investigate and diligently to ascertain the facts upon which the Secretary of State desired information from the War Department. It is not true that the department has now, or ever has had, any knowledge from which to infer the "fact of the kidnapping" of such person, or of any other French subject, or that any fact was known to the War Department upon which the discharge of A. Cauvet or E. Caulet could be claimed. On the contrary, it appears from his enlistment paper, on file in this department, (the copy whereof, marked D, is hereto attached,) that Emile Caulet voluntarily offered himself as a substitute for William N. Stowell, and was mustered into the service of the United States at West Lebanon, in the State of New Hampshire, on the 10th day of October, 1863. The pay-rolls show that he duly and regularly received the first instalment of bounty under the act of Congress.

An official investigation, made by Major Turner, the judge advocate, (a copy of whose report is hereto annexed, marked H,) has ascertained that Caulet, (who had been a waiter by occupation, was twenty-five years old, and had been residing in the city of New York,) offered himself and was received into the military service of the United States as a voluntary substitute for William N. Stowell, of Claremont, in the State of New Hampshire; that he received from Stowell the sum of three hundred dollars in money, as a price or consideration for becoming said substitute; that he received from the board of enrolment of West Lebanon clothing to the value of \$16 69 when he was mustered into the service; that he subscribed an oath to the fact of his becoming a substitute for Stowell for the period of three years, unless sooner discharged; and also a declaration that he was twenty-five years of age, and enlisted for three years. The members of the board of enrolment also certify that Caulet, at the time he offered himself as a voluntary substitute, was neither intoxicated nor induced to enlist by any undue or wrongful influence.

Notwithstanding the most rigorous investigation, no facts or circumstances have come to the knowledge of the department, by correspondence with corps commanders or otherwise, indicating, or from which it could be inferred, that Caulet was kidnapped, or unfairly enlisted in the service of the United States, or that any fraud, or artifice, or wrong, was practiced against him. The insulting imputation against the department and corps commanders of such knowledge, contained in the recent letter of Mr. Geofroy to the Secretary of State, is most unfair and unjust towards officers who labored with their utmost skill and industry to ascertain the facts submitted to them for investigation.

I have the honor to be, very respectfully, your obedient servant,

E. D. TOWNSEND,

Assistant Adjutant General.

Hon. E. M. STANTON,
Secretary of War.

A

DEPARTMENT OF STATE,

Washington, March 9, 1864.

SIR: I have the honor to enclose to you the translation of a communication of the 2d instant, from M. L. De Geofroy, the chargé d'affaires of France, relative to the case of one Cauvet, a French subject, who, on the 23d of December

last, was serving in the 3d regiment of V. H. V., at Morris island. I will thank you to cause an investigation to be made, and such proceedings adopted as the result may seem to require.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon E. M. STANTON,
Secretary of War.

Official copy :

E. D. TOWNSEND,
Assistant Adjutant General.

[Translation].

LEGATION OF FRANCE TO THE UNITED STATES,
Washington, March 2, 1864.

SIR : A Frenchman, Mr. Cauvet, has addressed the department of foreign affairs, at Paris, for the purpose of obtaining the liberation of his son, arbitrarily incorporated, as it would seem, in the federal army.

M. Drouyn de l'Huys, in transmitting to me the extract annexed, from a letter in which Mr. Cauvet, the son, states to his family the circumstances under which he was constrained to do military service, charges me to point out the fact to your excellency when asking you to have the goodness to give such orders that Mr. Cauvet be stricken from the rolls and set free.

According to the papers annexed, this Frenchman was, on the 23d December last, at Morris island, South Carolina, V. H. V.

Accept, sir, the assurance of my high consideration.

L. DE GEOFFROY,
Chargé d'Affaires of France.

Official copy :

E. D. TOWNSEND,
Assistant Adjutant General.

[Translation.]

MORRIS ISLAND, *December 28, 1863.*

I am going to tell you something that will not give you much pleasure. I would tell you that I had hardly received your letter, when I settled my account at the house where I was, and came back to New York, where I stayed some days awaiting a vessel on which to return to France; but meantime persons came looking for me, and telling me I was a soldier, and that I must go, because my name had been given at the hotel where I was staying, without my knowing anything about it, and told me the chances had fallen on me. There were two of us in this situation, and we were told we could not be obliged to become soldiers, but we had no person to take care of us, and meantime we were taken to an island in the neighborhood, and gradually, a month afterwards, we were off the city of Charleston, thoroughly enrolled in the regiment, and, at the end of some days, were carrying on our backs the knapsack and musket.

A. CAUVET,
3d Regiment, V. H. V., Morris Island, South Carolina.

Official copy :

E. D. TOWNSEND,
Assistant Adjutant General.

B.

DEPARTMENT OF STATE,
Washington, May 26, 1864.

SIR: I have the honor to recall your attention to my communication of the 9th of March last, relative to A. Cauvet, an alleged French subject, who appeared to have been improperly compelled to enter the military service of the United States. Mr. Geoffroy, the chargé d'affaires of France, is urgent for a reply to his note on the subject.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. E. M. STANTON,
Secretary of War.

ADJUTANT GENERAL'S OFFICE,
August 20, 1864.

Official copy:

E. D. TOWNSEND,
Assistant Adjutant General.

C.

WAR DEPARTMENT,
Washington City, May 28, 1864.

SIR: I have the honor to acknowledge the receipt of your letter of the 26th instant, recalling attention to your communication of the 9th March last, relative to A. Cauvet, and, in reply, to inform you that on reference to the Adjutant General, he reports that "the communication from the Department of State, dated March 9, 1864, relative to a French subject by the name of Cauvet, was received at this office March 11, 1864; referred March 15, 1864, to commanding officer department of the south for investigation and report, and received back with report April 9, 1864; again referred to the acting assistant provost marshal general, southern district of New York, April 12, 1864; not yet received back."

As soon as a satisfactory report is received, it will be communicated.

I am, sir, your obedient servant,

E. M. STANTON,
Secretary of War.

Hon. WILLIAM H. SEWARD,
Secretary of State.

ADJUTANT GENERAL'S OFFICE,
August 20, 1864.

Official copy:

E. D. TOWNSEND,
Assistant Adjutant General.

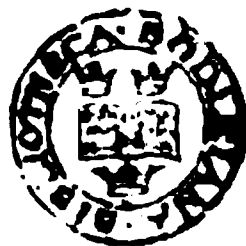
D.

Photographic copy of the signature of Emile Caulet, on pay-roll.

26. Abram A. Card.	E. J. BUTTON, 1st Lieutenant.
26. James F. Clark.	E. J. BUTTON, 1st Lieutenant.
26. Ezra P. Clark.	E. J. BUTTON, 1st Lieutenant.
26. Zerah L. Clark.	E. J. BUTTON, 1st Lieutenant.
26. Willie H. Choote.	E. J. BUTTON, 1st Lieutenant.
85, 66. <i>Emile Caulet.</i>	E. J. BUTTON, 1st Lieutenant.

Photographic copy of Emile Caulet's enlistment.

No. 40.—Substitute.—Volunteer Enlistment.



STATE OF NEW HAMPSHIRE,

Town of Lebanon :

I, Emile Caulet, born in the state of France, aged twenty-five years, and by occupation a waiter, do hereby acknowledge to have agreed with William H. Stowell, esq., of Claremont, Sullivan county, New Hampshire, to become his substitute in the military service, for a sufficient consideration paid and delivered to me on the tenth day of October, 1863; and having thus agreed with the said William N. Stowell, I do hereby acknowledge to have enlisted this 10th day of October, 1863, to serve as a soldier in the army of the United States of America for the period of three years, unless sooner discharged by the proper authority; I do also agree to accept such bounty, pay, rations, and clothing as are or may be established by law for soldiers; and I do solemnly swear that I will bear true and faithful allegiance to the United States of America; that I will serve them honestly and faithfully against all their enemies or opposers whomsoever; and that I will observe and obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the Rules and Articles of War.

EMILE CAULET.

Sworn and subscribed to at Lebanon, this 10th day of October, 863, before me.

F. CONNING,
Justice of the Peace.

—
BOARD OF ENROLMENT
Of the Third District of New Hampshire.

We certify, on honor, that we have carefully examined the above-named volunteer substitute agreeably to the regulations, and that, in our opinion, he is free from all bodily defects and mental infirmity which would, in any way, disqualify him from performing the duties of a soldier; that he was entirely sober when enlisted; that he is of lawful age, (not under 18 years,) and that in accepting him as duly qualified to perform the duties of an able-bodied soldier, and as a sub-

stitute in lieu of William N. Stowell, drafted in West Lebanon, September 3, 1863, we have strictly observed the regulations which govern in such case.

This soldier has dark eyes, black hair, and dark complexion; is five feet two inches high.

CHESTER PIKE,
Provost Marshal.
FRANCIS A. FAULKNER,
Commissioner of Board.
DIXI CROSBY,
Surgeon of Board.

Declaration of Substitute.

I, Emile Caulat, desiring to enlist in the army of the United States for three years, do declare that I am twenty-five years and — months of age; that I have never been discharged from the United States service on account of disability or by sentence of a court-martial, and I know of no impediment to my serving honestly and faithfully as a soldier for three years.

Given at West Lebanon, the 10th day of October, 1863.

EMILE CAULAT.

Witness: F. CONNING.

E.

HEADQUARTERS 3D NEW HAMPSHIRE VOLS.,
Bermuda Hundred, Va., June 28, 1864.

SIR: I have the honor to state that Emile Caulet was mustered into service as per endorsement from your office; that he was wounded at Drury's Bluff, May 16, 1864, and died May 22, 1864; and I have no doubt that he is the man referred to by Mr. Geofroy as A. Cauvet.

I am, very respectfully, your obedient servant,

J. J. PLIMPTON,
Lieut. Col., Comd'g 3d New Hampshire Vols.
Brigadier General L. THOMAS,
Adjutant General U. S. Army, Washington, D. C.

Official copy:

E. D. TOWNSEND,
Assistant Adjutant General.

F.

ADJUTANT GENERAL'S OFFICE,
Washington, D. C., July 6, 1864.

Respectfully returned to the Secretary of War.

Secretary of State forwards papers from the French minister relative to the fraudulent enlistment of one A. Cauvet, a French subject, enlisted in the 3d regiment "V. H. V." The commanding officer 3d New Hampshire volunteers reports that E. Caulet, who is borne upon the records of this office as a native of France, and who is supposed by this office and by the commanding officer

3d New Hampshire volunteers to be the man referred to by the French minister as "A. Cauvet, 3d V. H. V.," was wounded at Drury's Bluff May 16, 1864, and died May 22, 1864.

No further action is therefore deemed necessary in the case.

SAMUEL BRECK,
Assistant Adjutant General.

Official copy:

E. D. TOWNSEND,
Assistant Adjutant General.

G.

WAR DEPARTMENT,
Washington City, July 8, 1864.

SIR: I have the honor to transmit herewith a copy of the report of the Adjutant General in the case of A. Cauvet, a French subject, alleged in the note of the minister of France of the 3d of March last—a translation of which accompanied your letter of the 9th same month—to have been fraudulently enlisted into the military service of the United States.

I am, sir, your obedient servant,

E. M. STANTON,
Secretary of War.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Official copy:

E. D. TOWNSEND,
Assistant Adjutant General.

H.

JUDGE ADVOCATE'S OFFICE, WAR DEPARTMENT,
Washington, D. C., August 11, 1864.

SIR: I have the honor to report that, in obedience to your orders, I left this city August 3d, instant, and proceeded to New York city, and thence to Claremont and West Lebanon, New Hampshire, to investigate the case of *Emile Caulet*, company I, 3d New Hampshire volunteers.

At West Lebanon I saw the members of the board of enrolment (Chester Pike, provost marshal; Francis A. Faulkner, commissioner, and Dixie Crosby, surgeon) of the 3d congressional district, examined their official records and papers, and ascertained the following facts:

That Emile Caulet, on the 10th day of October, 1863, offered himself, and was received and mustered into the United States service, at West Lebanon, New Hampshire, as a substitute for William N. Stowell, of Claremont, New Hampshire.

That said Caulet was a native of France, a waiter by occupation, twenty-five years old, dark eyes, black hair, and dark complexion; and resided in New York when mustered into the service as a voluntary substitute.

That he received from said Stowell three hundred dollars (\$300) in money as the full price or consideration for becoming the said substitute.

That he drew and received from the board of enrolment at West Lebanon, New Hampshire, clothing of the money value of sixteen dollars and sixty-nine cents (\$16 69) when mustered into the United States service.

That he duly subscribed and made oath October 10, 1863, to the facts of his becoming said substitute for said Stowell, as a soldier in the army of the United

States for the period of three years, unless sooner discharged by competent authority, and that he would bear true and faithful allegiance to the United States of America, &c.; and he also subscribed a declaration that he was twenty-five years of age; enlisted for three years in the United States army; knew no impediment to his serving honestly and faithfully as such soldier, &c.

The members of the board of enrolment also certify that said *Emile Caulet*, at the time of enlistment as a voluntary substitute, was "neither in the least intoxicated, nor induced to enlist by any undue or wrongful influence."

This substitute (*Emile Caulet*) is reported as "wounded at Drury's Bluff, May 16, 1864, and died May 22, 1864."

I have the honor to be, very respectfully, your obedient servant,

L. C. TURNER, *Judge Advocate*.

Hon. EDWIN M. STANTON,
Secretary of War.

Mr. Geofroy to Mr. Seward.—Received August 27, 1864.

[Translation.]

Recent advices, brought from Mexico to the government of the Emperor, have apprised him that very grave events, the responsibility for which would fall upon the government of the United States, if it neglected to take them into serious consideration, would be again brought about at Matamoras. A great number of federals, after having evacuated Brownsville, have, as it seems, passed the Rio Bravo and put themselves at the disposal of Mr. Cortinas. This chief would also have received a considerable supply of arms and munition, despatched from American territory. If these advices are true, as it seems there is no ground to doubt, there must have been there a violation of neutrality, which of itself alone would give sufficient ground for reclamation on the part of the government of the Emperor. But the life of French subjects has ceased to be respected by the party dominant at Matamoras; two of them, as it seems, had been shot by order of Mr. Cortinas. It will therefore be the duty of the government of the Emperor to protest the more energetically against the support given in this circumstance to its adversaries.

Mr. Geofroy to Mr. Seward.

[Translation.]

LEGATION OF FRANCE TO THE UNITED STATES,
Washington, August 28, 1864.

SIR: The French firm, Brulaton & Co., of New Orleans, remonstrates against a payment of duties exacted from it by the custom-house at that place on merchandise entered at that custom-house, the 2d of May last, and sold in regular manner on the 4th, on the basis of the tariff then recognized—that is to say, five days before the decision of the Secretary of the Treasury of the 30th April was known at that city.

I have the honor to send herewith to your excellency the letter which these merchants have addressed upon this subject to his Majesty's consul at New Orleans, begging you to be so good as to transmit this reclamation to the Secretary of the Treasury, and to ask him if it is right, as I think it is, to issue orders to the collector of the customs at New Orleans to desist from his claim.

Accept, sir, the assurance of my high consideration.

L. DE GEOFROY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Messrs. Brulaton & Co. to the Consul of France.

[Translation.]

NEW ORLEANS, *July 26, 1864.*

SIR : On the 28th April, 1864, we received, to us consigned, the brig *Katka*, from Marseilles, with an assorted cargo. According to custom, we entered the vessel at the custom-house five days after her arrival in port—say the 2d May. After having fulfilled at the custom-house all the formalities required by the United States, paid the duties on this cargo, we obtained the papers necessary to dispose of this merchandise, which we had published through the journals as to be sold at auction on the 4th of said month.

In conformity with this notice, the sale of this merchandise took place on the 4th of May, on the levee, by the agency of Mr. Bernard Tarpin, public auctioneer. Almost the whole cargo was sold on the levee, and delivered the next day to the buyers; in consequence, after the 5th of said month of May we are no longer holders of this merchandise—that is to say, four days before the law of fifty per cent. additional duty was known here, for that news was not known until the 9th or 10th of May.

The collector of the customs pretends to exact from us the fifty per cent. additional duty on this cargo, upon the pretext that the law was in force from the day of its approval.

Even admitting this fact, that a law may be in force before it can be known, we ask, upon what have we to pay this fifty per cent., inasmuch as we no longer have this merchandise?

It is plain that it is the merchandise that must be subject to duty on entry, and not the merchant; for if the merchandise was still in our hands we could, on paying this additional duty, raise the price of the merchandise, and thus reimburse ourselves for this augmentation; whilst in this particular case in which we are placed, if we were to be condemned to pay this addition of fifty per cent. upon merchandise which has no longer any existence for us, this loss would fall upon ourselves, which would be contrary to every principle of equity; because the merchant would be compelled to pay a duty of fifty per cent. on merchandise which he no longer has, but which he has had at a time more or less further back. We submit these facts to you, Mr. Consul, begging you to be so good as to bring them to the notice of the minister of France at Washington, and to aid our remonstrance.

BRULATON & CO.

The CONSUL OF FRANCE at *New Orleans.*

Mr. Geofroy to Mr. Seward.—Received September 2, 1864.

[Translation.]

A fraudulent shipment of arms destined for Mexico took place at San Francisco at the close of the month of July. A portion of it was seized through the efforts of Colonel James, collector of the customs at that city, upon the suggestions of his Majesty's consul; the residue, enumerated in the invoice annexed, was got out of the way and shipped on a small vessel, which, by the latest accounts, must be anchored, it is said, in one of the coves of the bay of San Francisco. When prescribing to Colonel James the most active search upon this subject, the Department of State is begged to recommend to him to cause constant watch to be kept on the conduct of a certain General Vega, who is at San Francisco, the agent for this sort of operations.

[Translation.]

Invoice of merchandise in the customs public store to my order, (order of General Vega.)

For the river Colorado:

Marked.	Package.		
Guadelupe Mining Co., Guaymas.	1 case of Enfield rifles.....	77	120
	1 do. do.	79	105
	1 do. do.	76	76
	1 do. do.	74	70
	1 do. do.	75	70
	1 do. do.	81	105
	1 do. do.	82	50
	1 do. do.	89	70
	1 do. do.	91	70
	1 do. do.	92	64
	1 do. do.	93	120
	1 do. do.	94	380
Esperanza Mining Co., Guaymas.	1 do. do.	78	120
	1 do. do.	83	100
	1 do. do.	86	80
	1 do. do.	87	370
	1 do. do.	84	56
	1 do. do.	85	100
	1 do. do.	88	60
	1 do. do.	90	114
	1 do. Heavy carbines equipped...	106	400
	1 do. do.	107	84
	1 do. do.	108	69
	1 do. Field rifles.....	95	100
	1 do. do.	97	70
San Juan Mining Co., Guaymas.	1 do. do.	98	70
	1 do. do.	99	120
	1 do. do.	100	119
	1 do. do.	101	120
	1 do. do.	102	100
	1 do. do.	103	70
	1 do. do.	104	70
	1 do. do.	105	60
	Enfield rifle.....		60
	1 do. do.	96	60
34 cases.			

NOTE.—The packages above enumerated are now shipped on a small vessel moored at some point in the bay of San Francisco.

SAN FRANCISCO, July 21, 1864.

Examined:

[L. S.]

CAZOTTE,
Consul of France.

Mr. F. W. Seward to Mr. Geofroy.

DEPARTMENT OF STATE,
Washington, September 6, 1864.

SIR: I have the honor to acknowledge the receipt of your communication of the 28th ultimo relative to certain duties exacted of Messrs. Brulaton & Co., of New Orleans, and, in reply, to inform you that I have transmitted a translation thereof to the Secretary of the Treasury, who has been requested to investigate the matter, with a view to the adoption of such proceedings as the result may call for.

Accept, sir, a renewed assurance of my high consideration.

F. W. SEWARD,
Acting Secretary.

Mr. L. DE GEOFROY, &c., &c., &c.

Mr. Geofroy to Mr. Seward.

[Translation.]

MONTREAL, CANADA, September 23, 1864.

DEAR SIR: I have no other information in relation to that which has just occurred at Brownsville than what is contained in the paper. Whatever the causes which have led to it, it would seem, if we are to believe them, that the Mexican chief, Cortinas, has entered the territory of the United States with a corps of troops, to which, it is said, he has even given of his own authority the flag of the Union. This last act shows a boldness for which he, no doubt, will have to account to the federal government. That which interests me is that he be disarmed, and does never leave the American territory to make some incursion with his men upon the right bank of the Rio Grande. I am sure, in advance, that upon the first intelligence of this affair you will have sent to Texas the strictest orders, in order that the duties which vicinage and neutrality require be strictly observed by the officers of the federal forces in that part of the country; and I have no need of insisting upon the grave responsibility which the latter might entail upon their government if, in contempt of their instructions, they should permit these refugees to station themselves upon the frontier, and there to commit acts of hostility, directly or indirectly; there to prepare expeditions, transfers of men and munitions; and, finally, there to render aid in any manner to the party in arms in the interior of Mexico against the troops of his Majesty. I will only remark to you that this recent act, when it shall be known in Paris, will make more pressing the demand for explanations, which I have recently been charged to address to you on the subject of the relations, not very intimate, which previously existed between Cortinas and some generals of the United States from one bank to the other of the Rio Grande, and particularly upon the sale of arms belonging to the government of the United States, which was made by these latter to that chief. I would therefore thank you to hasten the reply which you have been pleased to promise me upon this subject, at the same time that you will enable me to make known to M. Drouyn de l'Huys the measures you may have taken respecting Cortinas and his band.

If you should think that my presence should be immediately necessary at Washington, I would thank you to telegraph it to me at the consulate general of his Majesty at Quebec, as late as Tuesday next, the 27th, and after that at

New York, at the Brevoort House, where I propose to remain until the 4th of October, and thence send off my mail.

Accept, dear sir, the renewed assurance of my high consideration, and of my devoted sentiments.

L. DE GEOFROY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Mr. Geofroy.

DEPARTMENT OF STATE,

Washington, September 30, 1864.

SIR: Your note from Montreal, of the 23d, was received here on the 26th instant.

When I saw the earlier newspaper reports of an alleged entrance of General Cortinas within the territory of the United States, I deemed them improbable and unreliable. The only official information upon the subject which has been received is a statement contained in a report made by Major General Canby to the Secretary of War. Upon receiving that statement I immediately transmitted to Mr. Dayton a despatch containing the same statement, of which I now give you a copy for your information. Subsequent newspaper publications discredit the original rumors in the most essential parts; the latter, however, like the first, are vague and unsatisfactory. I have, therefore, addressed myself, through the War Department, to Major General Canby, and requested a full statement of the facts, and at the same time, although deeming it quite unnecessary, I have, by command of the President, renewed the injunction heretofore given, that the military forces of the United States must neither commit, nor suffer within the jurisdiction of the United States, any violation of the neutrality of this government in the conflict now going on in Mexico.

Accept, sir, the assurance of my very high consideration.

WILLIAM H. SEWARD.

Mr. DE GEOFROY, &c., &c., &c.

Mr. Seward to Mr. Geofroy.

DEPARTMENT OF STATE,

Washington, September 30, 1864.

SIR: With reference to the remonstrance of Messrs. Brulaton & Company, of New Orleans, against the exaction of certain duties, I have the honor to state that this department is informed by the Secretary of the Treasury that although a knowledge of the passage of the joint resolution of Congress of the 29th of April last, imposing an additional duty of fifty per cent. on importations, did not reach New Orleans until the 8th of May, from four to six days after the arrival of the brig Katica from Marseilles, and the sale of the greater part of the cargo, yet that the courts of the United States, as long ago as 1818, decided that an importer is personally liable for the duties legally due to the United States on the importation of any goods, wares, or merchandise. The Secretary of the Treasury is consequently of the opinion that he has no authority to issue orders to the collector of the customs at New Orleans to desist from his claim in the case referred to.

It is possible, however, that upon a proper application to Congress the relief claimed by Messrs. Brulaton & Co. might be granted.

Accept, sir, a renewed assurance of my high consideration.

WILLIAM H. SEWARD.

Mr. L. DE GEOFROY, &c., &c., &c.

Mr. Geofroy to Mr. Seward.

[Translation.]

LEGATION OF FRANCE TO THE UNITED STATES,

Washington, October 2, 1864.

SIR: I have the honor to send to you the note, in terms, upon which we agreed this morning, on the subject of Frenchmen who emigrate from the southern States.

I seize this occasion to offer to your excellency the fresh assurance of my high consideration.

L. DE GEOFROY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

[Enclosure.]

[TRANSLATION.]

The subjects of France residing in the southern States are daily placed in the dilemma, by the local authorities, of taking service in the confederate army or of leaving the country. Many among them have declared their purpose to adopt the latter alternative, but the government at Richmond, in turn, interposes obstructions, not permitting them to pass the frontiers by land. It only authorizes them to pass out by way of the sea, making use of vessels running the blockade, which is dangerous, and also very expensive.

The legation of the Emperor, desiring to come to the aid of these French subjects, is disposed, if the government of the United States sees no objection to it, to send one or two ships-of-war to one of the southern ports to receive them, and to transport them to New York.

Admiral Reynaud, having been consulted on the question of ways and means, has indicated the port of Charleston as the most proper for this operation, in a maritime point of view, Savannah and Wilmington not having water enough for his ships, and he is ready to despatch one or two at need to that port as soon as he shall have received official advice of the assent of the government of the United States.

Mr. Seward to Mr. Geofroy.

DEPARTMENT OF STATE,

Washington, October 7, 1864.

SIR: I have the honor to acknowledge the receipt of your communication of the 2d instant, in regard to French subjects residing in the insurrectionary districts of the United States who may desire to leave those districts. In reply, I have the honor to inform you that the subject will receive attention.

Accept, sir, a renewed assurance of my high consideration.

WILLIAM H. SEWARD.

Mr. L. DE GEOFROY, &c., &c., &c.

Mr. Geoffroy to Mr. Seward.

[Translation.]

LEGATION OF FRANCE TO THE UNITED STATES,
Washington, October 10, 1864.

SIR: I received a fresh letter, an extract from which I hasten to place before your eyes, and which, in picturing to me the distress in which many of the Emperor's subjects find themselves at the south, makes it my duty to press the verbal note I had the honor to address to you on the 2d of this month, the reception of which your excellency acknowledged on the 7th, and in which I suggested to you the sending to Charleston of one or two of his Majesty's ships-of-war to receive these unfortunates, with their families. There is in this a duty of humanity to fulfil, which accords also, I think, with good policy. I therefore do not doubt that the government of the United States will give its assent. I will only take the liberty to observe to your excellency that the circumstances are pressing to these poor people.

Admiral Reynaud, on his part, would desire not to lose time.

Therefore, I pray your excellency to be so good as to issue for me, without the least delay, the needful orders; and, in any case, it would be very gratifying to me that you could give me this morning the formal assurance that I would transmit to Paris by the mail of to-day.

Accept, sir, the assurance of my high consideration.

L. DE GEOFROY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Consul Lanen to the Consul General.

[TRANSLATION.]

[Extract.]

Mon'r the CONSUL GENERAL: * * * * *

You have, without doubt, seen in the journals that the governor of Georgia published, towards the close of last month, a proclamation which placed all foreigners in the alternative of enrolling themselves, or leaving the State within ten days time. I went to Milledgeville, but could only obtain from Governor Brown an extension of time in special cases. Most of the French, driven out of Georgia, call aloud to get away from the confederation. Mr. Benjamin, the confederate secretary of war, replies that they can only pass through the blockade, which costs 300 or 400 dollars in gold, or to embark in a French ship-of-war; but none arrives. Why, I know not. The governors of Florida and Alabama have, as well as Governor Brown, recently ordered foreigners to enroll themselves or leave the State. It seems to be feared that the governor of South Carolina may imitate their example. I received yesterday a petition, signed by thirty-three French subjects, to beg me to get them away from the confederacy. They are furious, and complain that the French government does nothing for them. I will be much obliged to you to bring these different facts to the knowledge of those in proper quarters.

A. LANEN,
Vice-Consul at Charleston.

The CONSUL GENERAL at New York.

Mr. Seward to Mr. Geofroy.

DEPARTMENT OF STATE,
Washington, October 15, 1864.

Mr. Seward presents his compliments to Mr. Geofroy, and has the honor to communicate, for his information, a copy of a report of the 15th of September, and of its accompaniments, addressed to Major General Banks by Major General Canby, relative to the recent events which have taken place on the Rio Grande.

Mr. Dana to Mr. Seward.

DEPARTMENT OF STATE,
Washington City, November 1, 1864.

SIR: I transmit, herewith, by direction of the Secretary of War, the enclosed copy of the latest report received by Major General Canby, commanding the military division of the West Mississippi, concerning affairs on the Rio Grande frontier, and by him furnished, at your request, for your information.

I have the honor to be, sir, your obedient servant,

C. A. DANA,
Assistant Secretary of War.

Hon. WILLIAM H. SEWARD,
Secretary of State.

General Canby to General Banks.

HEADQUARTERS MILITARY DIVISION OF WEST MISSISSIPPI,
New Orleans, Louisiana, September 15, 1864.

GENERAL: The correspondence of Colonel Day, in relation to the Mexican force under Cortinas, has been received. Colonel Day's action, so far as it is known here, accords with our neutral obligations, and is approved. The Mexican refugees are entitled to an asylum in our territory when they deliver up their arms and munitions, and restore any prisoners or booty that they may have taken from the French.

They will not be received into the service of the United States for service on the Rio Grande frontier, but may be enlisted for the general service. In this case they will be sent to this city, either before or after enlistment, to be organized, armed, and equipped. Their enlistment may be for one, two, or three years, but preferably for the shorter term, and their duty thereafter will be determined by the circumstances of the service.

As an armed enemy of France, this force will not be tolerated in our territory, and if this be the intention of Cortinas, the commanding officer will be instructed to regard, and, as far as his power extends, to treat his force as enemies of the United States.

You will please instruct Colonel Day, or the commander at Brazos Santiago, accordingly, and in the contingency of any of Cortinas's force entering our service, give the necessary instructions in relation to enlistment, transfer to

this city, and the disposition to be made of private property. The public property of the Mexican government remains, of course, in the custody of the United States until disposed of by proper authority.

Very respectfully, your obedient servant,

ED. R. S. CANBY,
Major General, Commanding.

Major General N. P. BANKS,
Commanding Department of the Gulf, New Orleans, Louisiana.

Official :

C. T. CHRISTENSEN,
Lieutenant Colonel, Assistant Adjutant General.

A copy was transmitted to the Adjutant General of the army, September 17, 1864.

Colonel Day to Major Drake.

HEADQUARTERS UNITED STATES FORCES,
Brazos Santiago, Texas, October 9, 1864.

MAJOR: I have the honor to transmit the following report of affairs at this post:

Everything has been quiet since the date of my last report—the enemy not having been seen. I have received information from Mr. Pierce, consul at Matamoras, also from other sources, that the rebels are greatly disappointed at the turn which Mexican affairs have taken at Matamoras. They had expected that they would be able to purchase, or by some means obtain possession of a part of the artillery, which was at that place, from Cortinas. The surrender of Cortinas to Mejia, and his acknowledgment of the authority of Maximilian, of course, destroyed all such anticipations. I have understood that many tempting proposals were made by Ford to Cortinas, with a view to obtain part of the artillery, all of which were steadily refused.

On the 29th of September Mejia took possession of Matamoras, in the following terms: No French were to be allowed to enter the city, and all French troops were to leave Bagdad, and the surrender made to Mexican troops alone. These terms were carried out. The French troops at Bagdad have been withdrawn to their vessels, and the place occupied by Mexican forces. I am unable to determine whether this state of affairs is favorable to the interests of the United States or not. I have been informed by some Mexican refugees, lately from Matamoras, that a confederate flag was flying at that place, and that confederate officers are received with great cordiality on the part of Mejia. The instructions received by me through the department headquarters, with regard to Mexican refugees, have been carried out. The refugees appear to be very well pleased with the manner in which they have been treated, and many are enlisting in the United States service for the period of one year. All the officers, and most of the men, however, have a desire to return to their homes as peaceable citizens of Mexico, and I anticipate a request from Mejia that they be allowed to do so. If such a request be made, I shall allow them to return unarmed, on condition that we secure some remuneration for the subsistence furnished.

The health of the troops under my command is steadily improving, and I am confident that ere long all symptoms of scurvy will disappear.

The steamer Alliance arrived here last Monday morning the 3d instant.

During the night of the same day she experienced a severe "norther," and was blown on shore. She not being able to get off until this morning, accounts for the delay of my despatches.

Hoping that this will meet with your approval, I am, very respectfully, your obedient servant,

H. M. DAY,
Colonel, Commanding United States forces.

Major George B. DRAKE,
*Assistant Adjutant General, Department of the Gulf,
Brazos Santiago, Texas.*

Official:

GEORGE B. DRAKE,
Major and Assistant Adjutant General.

Mr. Geofroy to Mr. Seward.

[Translation.]

LEGATION OF FRANCE TO THE UNITED STATES,
Washington, October 17, 1864.

SIR: I have received the copy of the report addressed to Major General Banks by Major General Canby, which you did me the honor to send me the day before yesterday, and thank you for the communication.

It appears to me, from reading this document and accompanying papers, that while recognizing and understanding from the outset what duties neutrality imposed on them, the military authorities of the Gulf have not, however, entirely resisted the application made by refugee Mexicans to be admitted into the army of the United States. It might even be inferred from the report of Colonel Day and Major George B. Drake, dated September 14, that the first idea of this enlistment came from him, and that it had been suggested to them by his orders. On his part, Major General Canby, thinking to remove all inconvenience by bringing to New Orleans these refugees, who are held under arms, has only succeeded in opening the way for greater difficulty.

New Orleans is (your excellency is not ignorant of the fact) the place where are prepared, and from which depart, clandestine expeditions bound for Mexico, which the United States government has been obliged to arrest not long since; no place could, therefore, be more ill chosen to keep together a body of Mexicans transformed into United States soldiers. The succor the federal government will derive from such recruits is, to my mind, problematical; the embarrassments they may occasion are much more plain.

I doubt not your excellency may be struck with these remarks, which the government of the Emperor has offered on its part to the envoy of the United States at Paris, and I am gratified to hope that you will advise the adoption, by the military commander in the Gulf, of measures which can give no room for any objection.

Accept, sir, the assurance of my high consideration,

L. DE GEOFROY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Mr. Geofroy.

DEPARTMENT OF STATE,

Washington, October 24, 1864.

SIR: I have the honor to acknowledge the receipt of your note of the 17th instant, which relates to the proceedings of the military authorities of the United States in the department of the Gulf, in regard to the forces of Cortinas, and in reply to inform you that your comments and suggestions on the subject will receive due attention.

Accept, sir, a renewed assurance of my highest consideration.

WILLIAM H. SEWARD.

Mr. L. DE GEORROY, &c., &c., &c.

Mr. Seward to Mr. Geofroy.

DEPARTMENT OF STATE,

Washington, October 25, 1864.

SIR: With reference to the informal memorandum, without date, which you left at this department on the 27th of August last, relating to reports that citizens of the United States, after evacuating Brownsville, have placed themselves at the disposal of the Mexican General Cortinas, and that arms and ammunition have also been furnished to the Mexicans, I have the honor to enclose, in reply, a copy of a communication of the 21st instant from the War Department, from which it would seem that, happily, the reports which had reached the imperial government, which gave occasion for the memorandum, were incorrect.

Accept, sir, a renewed assurance of my high consideration.

WILLIAM H. SEWARD.

Mr. L. DE GEORROY, &c., &c., &c.

Mr. Dana to Mr. Seward.

WAR DEPARTMENT,

Washington City, October 21, 1864.

SIR: In reference to your communication of August 29, 1864, transmitting a complaint from Mr. Geofroy, chargé d'affaires of France, to the effect that citizens of loyal States have enlisted in the service of Cortinas, and that arms and ammunition have been furnished to the Mexicans, I am directed by the Secretary of War to respectfully call your attention to the report of Major General Herron, commanding United States forces on the Rio Grande, transmitted to this department by Major General E. R. S. Canby, commanding division of west Mississippi, and a copy of which is herewith enclosed.

From this report it will appear that the statements referred to by Geofroy are entirely unfounded.

I have the honor to be, sir, your obedient servant,

C. A. DANA,

Assistant Secretary of War.

Hon. WILLIAM H. SEWARD,

Secretary of State.

General Herron to Lieutenant Colonel Christensen. ¶

HEADQUARTERS DISTRICT OF BATON ROUGE AND PORT HUDSON,
Baton Rouge, Louisiana, September 24, 1864.

COLONEL: The letter of Hon. W. H. Seward, Secretary of State, to Hon. E. M. Stanton, Secretary of War, under date of August 29, 1864, covering translation of a communication received at Washington by the representative of the Emperor of the French, in regard to certain occurrences said to have taken place on the Rio Grande, and which has been referred to me for report, has been received. There is nothing specific in the charges or statements made upon which to make a detailed report.

With reference to the great number of federals said to have crossed to Matamoras after the evacuation of Brownsville, I would state that there were not six citizens of the United States left in Brownsville when I withdrew the troops from that place. I had sent all persons, men, women, and children, to New Orleans. Some few Mexicans, who had been living on the east side of the Rio Grande, may probably have crossed into Mexico, but I know the number must have been small, for I had previously shipped a great majority of even the Mexicans to New Orleans; I mean such as resided on our side of the river. I have been constantly in receipt of advices from Matamoras since the evacuation of Brownsville, and had such occurrences as the above taken place I would certainly have heard something of it.

With reference to the arms and ammunition said to have gone into Mexico from American territory, I would undertake to say, in the most positive manner, that nothing of the kind took place from January 1, 1864, to August 1, 1864, the period of my administration on the Rio Grande; nor did anything occur that would warrant even a rumor of such a thing.

It seems to me that when such charges are made, involving, as they do, the reputation of officers of the United States army, some kind of proof should accompany the charges; but these statements being so general I can do nothing more than make a mere denial of the whole.

There is neither truth in the report nor ground for it.

I am, with great respect, your obedient servant,

F. A. HERRON, *Major General.*

Lieut. Colonel C. S. CHRISTENSEN,

A. A. G., New Orleans.

Mr. Seward to Mr. Geofroy.

DEPARTMENT OF STATE,
Washington, October 27, 1864.

SIR: I am informed by the War Department that Lieutenant General Grant has telegraphed that he has no objection to French subjects who have hitherto been residents of insurgent States coming through the lines for the purpose of embarking at City Point. It may, consequently, be advisable for the agent of Admiral Reynaud to come to this city, for the purpose of proceeding thither to make such arrangements upon the subject as may be necessary.

I am, &c.,

WILLIAM H. SEWARD.

Mr. L. DE GEOFFROY.

Mr. Geoffroy to Mr. Seward.

[Translation.]

LEGATION OF FRANCE TO THE UNITED STATES,
Washington, October 31, 1864.

SIR: I have received the note which you did me the honor to address to me on the 27th, and in which you announce to me that Lieutenant General Grant makes no objection to French subjects who reside in the insurgent States passing his lines to go and embark at City Point. I have made communication of this to Admiral Reynaud, who replies that he is going to send to James river a light-draught vessel of his division, the Adonis, which may be able to ascend a little higher than City Point, up to Eyken or Aiken landing, where the usual exchange of flags of truce is made.

The Adonis will receive there our French subjects and their families, and will take them down the river, where another and larger vessel-of-war will be stationed to receive them. If this arrangement is, as I hope it may be, accepted by your excellency, I shall ask that orders may be given immediately, so that his Majesty's despatch-boat shall encounter no hindrance on her route along James river. It should also be well understood that the Adonis should make as many trips as should be necessary, so that all his Majesty's subjects who wish to emigrate may use this facility.

In thanking your excellency for the friendly dispositions you exhibit in regard to this affair, I seize this occasion to renew to you the assurances of my high consideration.

L. DE GEOFROY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Geoffroy to Mr. Seward.

[Translation.]

LEGATION OF FRANCE TO THE UNITED STATES,
Washington, November 1, 1864.

SIR: I have received the answer which you were pleased to make to me on the 30th of September last, respecting the reclamation of Messrs. Brulaton & Company, of New Orleans, and in which your excellency informs me that a petition to Congress in behalf of these Frenchmen would meet with the chances of a favorable reception. I therefore request of you the goodness to make this request at the next session of the legislature, through a bill for the purpose of meeting the rights of these French subjects.

Accept, sir, the assurances of my high consideration.

L. DE GEOFROY.

Hon. WILLIAM H. SEWARD.

Mr. Geoffroy to Mr. Seward.

[Translation.]

LEGATION OF FRANCE TO THE UNITED STATES,
New York, November 12, 1864.

SIR: It would appear, agreeably to the information which has reached the government of the Emperor from various quarters, that ex-President Juarez has not abandoned the project of issuing letters of marque against our com-

merce, and that there are being constructed in the ports of the United States, especially at New Orleans and at San Francisco, vessels destined to cruise for his account.

I bring this fact to the knowledge of your excellency, not supposing, however, that the federal government, had it learned it from another source, would not have immediately taken measures to prevent the departure of these vessels, which is announced as very near at hand.

If, however, the good faith of the authorities of the United States being overreached, these vessels should take the sea, I must inform you that the government of his Majesty could not, in any case, recognize in them the character of privateer.

Mr. Juarez cannot hereafter be seriously considered a chief of a government. The supreme authority in Mexico has no longer at this time, and for those who are the least impartial, any other real representative than the sovereign called by events to the head of that country. Mr. Juarez, whatever may have been his former position, has, therefore, to-day, neither the title nor the character to issue letters of marque. Those with which he should attempt to supply American or other vessels, being henceforth without value, would expose these vessels and their crews to be treated purely and simply as pirates.

In instructing me to make this declaration to your excellency, the government of his Majesty has, nevertheless, no other intention than that of enabling that of the United States to give this notice again, in due season, to those of its citizens who may have entertained, or who are ready to entertain, propositions of Juarez or those of his agents.

Accept, sir, the assurances of my high consideration.

L. DE GEOFROY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Mr. Geofroy.

DEPARTMENT OF STATE,

Washington, November 15, 1864.

SIR: Referring to your note of the 1st instant, relative to the remonstrance of Messrs. Brulaton & Company, of New Orleans, against the exaction of certain duties, I have the honor to inform you that a copy of the correspondence concerning this case will be communicated to the proper committee of Congress at the next session.

I have the honor to be, with high consideration, sir, your obedient servant,
WILLIAM H. SEWARD.

Mr. L. DE GEOFROY, &c., &c., &c.

Mr. Seward to Mr. Geofroy.

DEPARTMENT OF STATE,

Washington, November 18, 1864.

SIR: I have the honor to acknowledge the receipt of your note of the 12th instant, by which I am informed that the imperial government of France has learned from various quarters that the president of the United States of Mexico (by you described as ex-president) has not abandoned the project of issuing letters of marque against French commerce, and that there are being constructed

in the ports of the United States, especially at New Orleans and at San Francisco, vessels designed to cruise for his account.

In reply, I am at liberty to inform you that this government has no knowledge of the design which is thus ascribed to the president of Mexico, nor has it any information that any such vessels are building, as is supposed, in either of the two ports you have specially designated, or in any other port of the United States. The vigilance of public officers is such as to inspire a confident belief that the information which the Emperor's government has received is erroneous. Nevertheless, for greater security of the present neutrality of the United States, that information will be specially submitted to the proper agents in New Orleans and San Francisco, with renewed injunctions for the discovery and prevention of the arming or fitting out of vessels-of-war to depredate on French commerce. Similar proceedings will be adopted in relation to other ports upon my receiving any information of unlawful designs or enterprises afoot therein.

It seems unnecessary to discuss the question you have raised, whether the president of Mexico has a right, by the law of nations, to grant letters of marque, inasmuch as this government peremptorily exacts perfect neutrality from citizens of the United States in the Mexican war.

Accept, sir, a renewed assurance of my high consideration.

WILLIAM H. SEWARD.

Mr. L. DE GEOFFROY, &c., &c., &c.

Mr. Seward to Mr. Geoffroy.

DEPARTMENT OF STATE,

Washington, November 21, 1864.

SIR: Referring to your note of the 31st ultimo, relative to the embarkation of such French subjects as may desire to leave the insurrectionary States, I have the honor to enclose, in reply, a copy of a letter of the 14th instant from the War Department, together with that of a communication from Lieutenant General Grant, to whose consideration the matter was submitted.

Accept, sir, a renewed assurance of my high consideration.

WILLIAM H. SEWARD.

Mr. L. DE GEOFFROY, &c., &c., &c.

Mr. Dana to Mr. Seward.

WAR DEPARTMENT,

Washington City, November 14, 1864.

SIR: In reply to your letter of the 2d instant, transmitting a translation of a note from Mr. de Geoffroy, relating to the embarkation of French subjects who desire to leave the insurgent region, which you requested might be referred to Lieutenant General Grant, I am instructed by the Secretary of War to enclose for your consideration a copy of the opinion of that officer, of the 10th instant.

I have the honor to be, sir, your obedient servant,

O. A. DANA,

Assistant Secretary of War.

Hon. WILLIAM H. SEWARD,
Secretary of State.

General Grant to Mr. Stanton.

HEADQUARTERS ARMIES OF THE UNITED STATES,
City Point, Virginia, November 10, 1864.

SIR: I have the honor to acknowledge the receipt, this date, of communications from the State Department to you, and referred by you for my consideration, relative "to the embarkation of French subjects who wish to leave the insurgent States," and to respectfully say, in reply, that I will afford all necessary assistance and protection to the French vessel proposed to be sent to Aiken's landing. I desire to be apprised of the time the vessel will be ready to proceed, that I may place an officer of the United States army on board, and give the necessary directions for her safe conduct.

Whilst I am ready any day to carry out this plan, if you so direct, I would prefer to send a vessel or vessels from here to Aiken's landing (the highest point on the James river to which a flag-of-truce boat can go) and receive and convey to Fort Monroe, Norfolk, or Baltimore, all French subjects who may come there for the purpose named in the communications.

I have the honor to be, sir, very respectfully, your obedient servant,
 U. S. GRANT, *Lieutenant General.*

Hon. E. M. STANTON,
Secretary of War, Washington, D. C.

Mr. Seward to Mr. Geofroy.

DEPARTMENT OF STATE,
Washington, November 26, 1864.

SIR: I have the honor to inform you that on the 3d of September last a translation of the memorandum and of the accompanying invoice, received at this department from the legation of France, on the 2d of that month, in relation to a fraudulent shipment of arms at San Francisco, California, which arms are said to have been destined for Mexico, was transmitted to the Secretary of the Treasury, who was requested to cause the matter to be investigated with a view to the adoption of proper proceedings in the premises.

It now appears as the result of the investigation, that early in August last the collector of customs at San Francisco was informed that the American schooner Haze, of about forty tons burden, had on board a quantity of arms, supposed to be four thousand stand, together with a large supply of munitions of war, soldiers' clothing, and other articles, and that she was moving from place to place, in the bay of San Francisco, apparently seeking an opportunity to evade the vigilance of the revenue cutter Joseph Lane, then on guard duty in that harbor, and get to sea, when she would transfer her cargo to the schooner San Diego, of about fifty-five tons burden. The collector thereupon immediately despatched two boats under the direction of Lieutenant Selden, the commander of the revenue cutter there, with a guard furnished by Brigadier General Mason, the provost marshal at San Francisco, in quest of the Haze. These boats returned on the 4th of August, after a fruitless search of twenty-four hours. At 9 o'clock of the evening of that day the collector was informed that a schooner resembling the Haze had been seen at anchor in Half Moon bay, about thirty-five miles south of the Golden Gate.

The San Diego having sailed on that day, pursued by the revenue cutter Joseph Lane, in obedience to the collector's orders, under the belief that the vessel reported as having been seen at the Half Moon bay was the Haze, he immediately despatched the steam-tug Merrimac, under the command of a revenue

officer, with a guard from the provost marshal's office, in pursuit. They found the Haze at the place designated, with the arms, munitions of war, and soldiers' clothing on board. Having ordered her to be detained, the collector reported such detention to Major General McDowell, the commander of the military district in which San Francisco is situated, to whom the arms and munitions of war were delivered.

From this statement of facts you will clearly perceive that none of the arms referred to were exported from San Francisco.

Accept, sir, a renewed assurance of my very high consideration.

WILLIAM H. SEWARD.

Mr. L. DE GEORROY, &c., &c., &c.

RUSSIA.

Mr. Seward to Mr. Clay.

No. 41.]

DEPARTMENT OF STATE,

Washington, October 23, 1863.

SIR: I enclose a copy of a despatch of the 29th ultimo, No. 16, from William Edwin Phelps, esq., our consul at St. Petersburg, in relation to a proposed expedient to evade the foreign enlistment act of Great Britain, and to a reported proposed sale of two steamers there for blockade-running or privateering.

I will thank you to bring these matters to the knowledge of Prince Gortchacow, and to request him to apply the remedy, if needed.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CASSIUS M. CLAY, Esq., &c., &c., &c.

Mr. Phelps to Mr. Seward.

No. 16.]

CONSULATE OF THE UNITED STATES OF AMERICA,

St. Petersburg, Russia, September 29, 1863.

SIR: I am informed by a merchant, who is largely concerned in the importation and sale of English war materials, that certain shipbuilders in England have solicited and obtained from parties in this city a number of orders for war vessels, with the intention of using them [the orders] as proof of [pretended legitimate] destination, in case the British government should enforce the foreign enlistment act against the steamers now building for the confederate service. I suppose that you are constantly informed of everything ordered in England for his imperial Majesty's government, and as no one else can make use of a war vessel, the fraud can be easily detected.

I have also heard a rumor that two more steamers are about to be sold here for blockade-running or privateering, but as yet I have not been able to trace it to any reliable source.

With sentiments of high respect, I am, sir, your most obedient servant,

WM. EDWIN PHELPS,

United States Consul.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington.**Mr. Clay to Mr. Seward.*

[Extract.]

No. 28.]

LEGATION OF THE UNITED STATES,

St. Petersburg, Russia, November 3, 1863.

SIR:

When I reached Europe, finding the navy, so potent at home, would prove our greatest defence against foreign intervention, I devoted most of my correspond-

ence with the department, during my first mission to this court, to its development. It is now admitted on all sides that our success in iron-clads and big guns, has, so far, saved us from European assault. I flatter myself that my labors were not all fruitless in aid of such results, and I am encouraged to pursue the subject further. I enclose you an article from the London Times of October 26, 1863, styled "Mr. John Laird, M. P., upon National Defences," which I make a part of this despatch. It is a speech of that notorious ship-builder and "canny Scot," delivered at Birkenhead. Its avowals may be of service both to yourself and to the Navy Department. Some of these admissions, coming from so competent a ship-builder, are worthy of notice. He says, "We have only two ships, that I can find on looking over the navy list, that could possibly be considered suitable for coast defences; and those two vessels are constructed upon Mr. Reed's plan. Why they are not brought forward I cannot pretend to say—but I do believe this, that the money wasted in the naval administration of this country is something fearful. We have spent £30,000,000 sterling to £33,000,000 in the last three years, and got a number of large ships afloat, some of which you saw in the river the other day, and others are building but not ready, and none of which will be of any use to us to carry on a war, in the circumstances in which we shall be most probably placed. I have stated these facts distinctly, [hear, hear.] I have stated them in my place in the House of Commons, [hear, hear,] and I have no fear of their being heard by anybody in any place, because I can prove them to be correct." These are strong admissions, from which you will draw your own conclusions. I call your attention to the expression, "a number of large ships," in this extract, because, from the beginning, I have protested against wasting time and money in building large ships. That ever has, I believe, been avoided by the Navy Department. Our small ships, armed with a few heavy guns, as proved in the case of the "Monitor" and "Merrimac," and in the late victory of the "Weehawken" over the "Atlanta," are a match for these leviathans of France and England, which have cost so much in time and money. Whilst we must, no doubt, increase our sea-going ships in size, over those which have been designed for harbor and coast service, I still maintain that, having regard to *speed, to capacity for fuel, to impenetrable armor, and a few heaviest guns*, which science shall develop, *extra size* is to be avoided: because it takes more time and money to build large ships; because they can be used only at sea, and are unfit for coast service, in offence or defence; because they are more difficult to manage, and more liable to get out of order; because they are subject to greater loss in capture and shipwreck; because, in the search after the enemy, a few small ships are more likely to find him than one large one; and lastly, because the rapid advance in gunnery and iron-mailing warn us not to make large outlays to-day in vessels which may prove worthless to-morrow. I admit the time may come when projectiles will have reached their maximum in force, and the powers of offence and defence will have been perhaps equalized, and when the aggregate metal in the single discharge of a broadside may determine success, as is now the case with wooden ships. Then size will become an important element; but until that time does come, if ever, I think the rules I have laid down are based on reason and the laws of nature.

I have given this subject much reflection, and have studiously watched all the experiments in ship-building and armors which were accessible. I may be often in error, yet I trust I have sometimes hit upon truths, which will be of use to the government in building our navy, which is destined to play an important part in the history of the nations.

I am, truly, your obedient servant,

C. M. CLAY.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C., U. S. A.

P. S.—In the late trial of the ships-of-the-line the “Magenta” and “Solferino,” and the frigates “Normandie,” “Invincible,” and “Couronne,” all iron-clad steamers, the port-holes of the “Normandie” were closed against the waves, and the ship, in consequence, rendered defenceless. Hereupon the “Solferino” and “Magenta” were subjects of congratulation because of their double tiers of guns, the upper one being used when the rough sea rendered the lower one useless. Now, to my mind, this experiment is all in favor of low hulls, and ball-proof towers, which can be used at all times. What further do we see? The immense extent of plating on these two-deckers made it necessary to leave the stems and sterns unclad. I should say, leave off the upper tier, reduce the number of guns, and put their weight in entire mailing, and heavier metal. I have no data of the size of the guns, but it is stated that the “Normandie” and “Invincible” are armed with rifle guns of 30 pounds calibre. What would such shot do against our better clad and heavier armed monitors? The “Solferino” and “Magenta” carry 50 guns each, size not named. They are armed with “iron spurs,” 4 feet under water, and weighing 15 tons each. I believe the “Weehawken” will sink either of them with ease.

C. M. CLAY.

N. B.—In 1861 I called your attention to the two screw system of propulsion of ships. I cut from the Times of the 29th October, ultimo a most successful experiment made by the English government.

C. M. C.

[From the London Times of October 26, 1863.]

Mr. John Laird, M. P., upon national defences.

On Friday last the prizes for rifle and artillery shooting, competed for on the 17th ultimo by the volunteers of Birkenhead and district, were distributed by Mr. John Laird, M. P., who presided.

The chairman, after some remarks upon the constitution of the volunteer force, addressed the meeting as follows: Having said this much, I may, perhaps, be now allowed to go into the question of the defences of the country. The army and navy, everybody admits, so far as the *personnel* goes, is kept in the highest possible state of efficiency. In proof of that I need only call your attention to the character, conduct, and known abilities of the officers of the channel fleet, which lately visited this river. [Cheers.] I have had opportunities for years—nay, all my life, in fact—to meet naval men; but I must say I never met a set of men better adapted to fill the position they were placed in than the men who were here with the channel fleet; and I feel convinced that, if provided with proper means, they will fulfil their duty to the country. [Cheers.] Gentlemen, in the last session of Parliament, and in the session before that, great attention was paid, not only to the army and navy, but also to the way in which that army and navy should be armed—the sort of rifles and the sort of guns that they should use. A great deal of discussion took place about the Armstrong gun; and so much was said about the millions it had cost, and about the wasteful expenditure upon it, that I really thought the gentlemen who made those remarks in the House of Commons were giving expression to mere figures of speech rather than to anything else. But the statements were made again and again. They were repeated day after day, and week after week, until a committee was appointed to inquire into the merits of the Armstrong gun, its cost and its efficiency. I was appointed to act on that committee, and rather hard work it was, sitting for two or three hours a day for two or three days a

week through two sessions of Parliament. And I am bound to say, having sat on that committee during the session of 1862 and 1863, I was satisfied that practically £2,500,000 had been spent on that gun, and that we had not got value for our money. [Hear.] And why did we not get value? Because I believe the appointment of Sir William Armstrong an injudicious appointment. He was appointed engineer-in-chief of rifled ordnance, and, of course, thought his own guns were the best that could be constructed; and, therefore, as an honorable man, he was bound to endeavor to carry out his own principle; but he did it with a bad result to the country, because, by being placed in that position, I believe men like Whitworth, and Blakeley, and others, who have invented guns and have done much for the scientific development of the gunnery question, were kept back. I don't mean to impute anything to Sir William Armstrong, but I say his was an unfortunate appointment on the part of the government. [hear, hear,] and my opinion is that such a post should be opened up to the country generally—to the men of scientific knowledge in the country generally; and that in scientific matters of this kind you should endeavour to bring to bear all the best and most perfect knowledge in the empire. If you do that, it strikes me as a self-evident proposition that you are more likely to get the best invention than you would do if you confined yourself to the invention of merely one man. [Applause.] Sir William Armstrong started the Elswick Ordnance Company. When he was appointed the engineer-in-chief of ordnance he retired, but his partners carried on the business, and they had a large amount of work, amounting to one million of money, in three or four years to do for government, the government spending the other million and a half. Many statements were made in the committee, and very much evidence was taken. Mr. Whiffin, the accountant general, was called, and proved that, had the work done by the Elswick Ordnance Company been done in the gun factory at Woolwich, the country would have saved, on an expenditure of £600,000, no less a sum than £240,000; so that we may calculate what a saving would have been effected if you reflect for a moment that the amount spent was £1,000,000, and the work might have been done at Woolwich. I will candidly admit that there was a difference of opinion upon that point, but my argument in the committee was that Mr. Whiffin was called, as the accountant general, to verify the accounts presented to the committee. And who is Mr. Whiffin? it may be asked. Well, he is a man appointed by the government to go to India and put the accounts of the army and the departments in India on a proper and sound basis. If he was an unfit or improper man to be put in that position, we must take it for granted that his evidence before the select committee on ordnance was incorrect; and if he gave evidence that was incorrect, then the government should not have sent him on that mission to India. I believe there has been a large expenditure on these Armstrong guns which might have been avoided. But I will not give you merely my own opinion; I will give you that of his grace the Duke of Somerset, who was himself examined upon this committee, as to the efficiency of the Armstrong gun after all this enormous expenditure had been incurred. The Duke of Somerset, in reply to question 5,012, said: "We had a report that the Armstrong gun had the greatest range and the greatest power of penetration of any gun tried; when we came to try it ourselves that was not confirmed by the facts. The Armstrong gun, at a great distance, may have had greater power of penetration, but for naval purposes, at 200 yards, it certainly had not the greatest power. Our old 68-pounder is a more powerful gun than the 100-pounder Armstrong gun." This was evidence given after they had been at work for five years, and spent two and a half millions of money. Then, again, the noble duke goes on to say, that a 68-pounder gun, of the old style, struck a harder blow at short range than the 100-pounder Armstrong gun. His grace said, in reply to question 5,108: "I thought it so much an advantage to have a 70-pounder gun that could throw a 100lb. shot that I considered it prob-

able that the armament of the Warrior would have been all 100-pounders; and it was not until we tried a 100-pounder and a 68-pounder against Captain Cole's cupola that I became aware that the 68-pounder struck a harder blow than the 100-pounder at short range." Other statements were made by the noble duke and other parties, with which I need not trouble you; but I have thought it right to go briefly into this question, because at this moment it excites considerable interest. America has guns of very great power, and of very great size; and every naval officer with whom I have conversed has told me that in naval wars battles will be fought at close quarters; that the ship that can deliver the hardest blows at 200 yards will be the most efficient ship; and the Duke of Somerset, as you have already heard, has stated that at short ranges the old 68-pounder is more efficient than the 100-pounder Armstrong gun. I do not say that the 68-pounder is the most efficient gun that we can get; but public attention has very properly been drawn to this subject, and the next thing that we must do is to see how, in regard to naval guns of increased size and power, we can work them on board ship. Perhaps it may be said that I should apologize for going into these matters, but I, for one, believe that the volunteer movement is an essential part of the defences of the country; and that unless the army, the navy, and volunteers are properly armed and equipped we cannot expect adequately to defend the country, and, as we ought to do, carry the war into the enemy's camp, which is the proper way of punishing intruders. [Hear, hear.] If we are to go into this question of large guns which has been talked of so much, and which has been looked after, not only with great interest in this country, but with more than usual interest in America—if we are to adopt those guns, we can only do so by resorting to the cupola plan of Captain Coles to work them. I believe that by that plan we can work the largest and the heaviest guns. I know we can work guns of from 15 to 20 tons with the greatest possible ease. We cannot do that on board a broadside ship, and if our battles are to be fought and won by ships with the heaviest armament, the sooner we consider the question of the ships best calculated to carry those heavy guns the better it will be for the country. What have we done on this subject? The cupola, I should tell you, if you do not already know it, stands in the middle of the ship, and you can strengthen a vessel to carry a cupola of any weight. You can armor-plate a cupola to any thickness—12 or 15 inches, and you can make it perfectly impenetrable to shot; and, as it is a very small portion of a very large ship, you won't depress the ship much in the water, but the battery will be well protected and impervious to shot. That, you will see, is a very great point. But what has our government done with regard to this plan? There are two plans now before the public. One is that of Captain Coles; the other is the plan of Mr. Reed. Now, it is quite clear to naval men that, if either of these plans is to supersede the old broadside system of gunnery, the sooner either one or the other, or both, are tried, the better. But again, I ask, what has our government done? In April or May, 1862, they stated in the House of Commons, after various remonstrances, that the Royal Sovereign had been ordered to be cut down to be fitted with Coles's cupola, and that another was to be converted on Mr. Reed's plan. I venture to say that if proper exertions had been used those two ships might have been ready in six months from April last, [hear, hear,] and I don't believe they will either of them be ready for six months to come. In the mean time a large amount of money has been expended in other ways; and if these plans of Reed and Coles should prove to be the best, we shall have wasted some millions of money on ships of another construction. If we were to go to war to-morrow our navy is not—I say it advisedly—in such a state as that we could go to war with a certainty of success. How do we stand with regard to iron-plated ships? If we were to go to war with America, they have a number of iron-clad turret ships perfectly fitted in every respect for coast defence, while we have no ships at all that are suited for

the purpose. It will not do to say, as we did during the Russian war, that we can build 150 or 200 gunboats, by means of private yards, in twelve months. Armor-plated ships require a length of time in their construction, and I say most emphatically, that it would be the best policy of this country if the legislature would turn its attention to this question; because, although the fleet that we saw in the Mersey the other day was composed of most magnificent ships—most of them drawing from 25 to 28 feet of water—I need scarcely tell you who know anything of the port of Liverpool that they are perfectly unfit for war on the coasts of France or America. [Hear, hear.] If we went to war to-morrow, we should go into that war for the first year or two under most disadvantageous circumstances, and then we should have to turn our dock-yards and our private yards to some account—in fact, to do something to get us out of the scrape in which we should find ourselves, as we had to do during the Russian war, because, if in that war we had had a sufficient number of efficient gunboats, which we had not until the second year of the war, we would have put an end to that conflict much more rapidly than we did, and at a far less cost to this country. I think it right to impress this point particularly upon the meeting. We have only two ships that I can find on looking over the navy list that could possibly be considered suitable for coast defences, and those are two vessels constructed on Mr. Reed's plan. Why they are not brought forward I cannot pretend to say; but I do believe this, that the money wasted in the naval administration of this country is something fearful. We have spent from £30,000,000 to £33,000,000 sterling in the last three years, and got a number of large ships afloat, some of which you saw in the river the other day, and others are building, but not ready, and none of which will be of any use to us to carry on a war in the circumstances in which we shall most probably be placed. I state these facts distinctly. [Hear, hear.] I have stated them in my place in the House of Commons, [hear, hear,] and I have no fear of their being heard by anybody in any place, because I can prove them to be correct. I assert, then, that there are only two ships capable of application to coast and harbor defences; and that the two ships on Captain Coles's plan draw so much water that they are utterly useless for the purposes they are intended for—namely, the defences of our coasts and harbors; and, moreover, that they are neither masted nor rigged, nor are they fit to be sent across the Atlantic. It is in vain that Captain Coles has protested to our government against this state of things. He has urged them to make those ships serviceable, not only for the defences of our own coasts, but for foreign service. I need not tell any of the many commercial men I see here to-night the difficulties that attend ships of very great draught of water getting into and out of Liverpool. How, then, can ships of that class cruise about our banks? [Hear, hear.] What we want is a number of ships of a certain description of from 8 to 10 or 15 feet draught of water; and, unless the government come to do something of that sort before very long, we shall have to spend a large sum of money without being in a position when the time really comes to meet the emergency; and we shall in the end spend considerably more money than would be the case if we considered the question well at the present time. [Hear, hear.] Mr. Cobden has been pleased within the last day or two to make some complimentary remarks about my late firm at Birkenhead. I don't agree with Mr. Cobden in his conclusions. I don't think it would do to abandon entirely our government dock-yards; but I do believe it would be desirable to maintain them to a certain extent, while at the same time they should have throughout the country a portion of their work done in private establishments, so that in case of war we would not only have the resources of the national dock-yards to rely upon, but the extensive resources of the private yards, the proprietors of which would understand how to do government work. [Hear, hear.] But we stop progress in this country; and the naval development of this country has come to this, that it is supposed that when a gentleman is

appointed controller of the navy, whatever his antecedents may have been—however respectable he may be, however good a sailor he is—yet he must needs carry all the ship-building brains of the country in his head. . What I want is simply this—that the government shall bring to bear, for the interest of the country, all the talent that exists in the country. That is done already by the government in respect of engineering for the navy; and I need not tell you who have turned your attention to the subject that the engineering talent of this country, as exemplified by Penn, by Maudslay, and others of considerable eminence, has been the means of bringing a vast amount of talent and ingenuity to bear in the construction of the most perfect machinery which science could devise for propelling our ships-of-war; and this would not, and could not, have been the case if one man only had been placed at the head of the naval engineering department, and everything left to him. Competition is desirable in all things, but in this case it is desirable extremely for the true interests of the country. I do not want to be personal at all, because I will take the testimony of a certain vessel's operations. I will take two ships built in this neighborhood—the Alabama and the Florida. [Loud and protracted cheering.] I am not at all ashamed, ladies and gentlemen, to own that my sons designed and built the Alabama. [Renewed cheering.] Nor, I am sure, is the builder of the Florida ashamed to say that he designed and built that ship; but the testimony borne to those vessels is not the testimony of Birkenhead or of Liverpool, or, indeed, of this country; but the testimony comes from America. They are two vessels that have been afloat for some considerable length of time, and they have defied the power of 400 ships. [Cheering.] They have never been caught. [Renewed cheering.] They were designed and built by private individuals; but in this country it is the misfortune of the managers of our marine to imagine that one man, and one man only, is to carry in his head the brains of all the designing talent of the country for building ships. If they had got a little life in the admiralty, then they might have improved on the Alabama and the Florida, and perhaps on other ships. [Laughter.] We have been accustomed to hear of the Americans boasting about their ship-building, and that they built ships to run twenty miles an hour. Ladies and gentlemen, the Alabama goes thirteen, but the Americans have never been able to touch her. I certainly do not agree with Mr. Cobden that we should rely on private interests alone. I think the government should do in respect to ship-building as they have done with regard to engineering. As I have told you, I was a member of the committee for two sessions on the Armstrong gun, and that committee recommended, and carried their recommendation, that the inventions of all able men should be properly considered. That was a great step in the right direction, [“hear, hear,” and applause;] and, no doubt, our gunnery will be very much advanced in the future in consequence. [Hear, hear.] I may, perhaps, be tiring the audience, [cries of “No, no,” and cheers;] but when I was asked to come here I did not come here merely to talk about the volunteers. My intention was to speak on the general defences of the country; and, therefore, I now want to state, as shortly as I can, my views on some points connected with that matter. [Cheers.] You have had this point repeatedly stated in the House of Commons, and it is one which is of lasting importance, and that is the question of dock accommodation for ships of the royal navy. [Hear, hear.] Many gentlemen here, no doubt, are connected with the trade of Liverpool; and I will just tell you now what is the position of the royal dock-yards as compared with Liverpool, and then make a few remarks on that point. Liverpool and Birkenhead have 400 acres of dock space, and 28 graving docks. The whole of her Majesty's dock-yards, including Chatham, Sheerness, Portsmouth, Plymouth, and other places, have only 41 acres of dock space, and the number of graving docks is 33, but only four or five of them are capable of taking in ships like the Warrior. In the Mersey, the other day, that fleet looked nothing at all; but we have seen the

at the time they got back to the south one part was obliged to go to Plymouth, and another to Portsmouth, and Portsmouth harbor would not take them all in. Why, the admiral told me himself that he was alarmed at the very idea of coming up the Mersey; but he got into the Mersey, and he got out of it again, as safely as we could do, and as we did do every day in the year, with very large merchant ships. [Hear, hear.] Now, every householder in Birkenhead pays taxes; and therefore, being taxpayers, they are all interested in where the money goes. I'll explain to you where some of it goes. Supposing, instead of 400 acres of dock space on the Mersey, we had only 40 acres, and that we had to do the greater portion of our business on the Mersey; supposing we had to take cargoes out of ships into flats, take them ashore, take goods on board again from the shore and carry them on board the ships in flats, and that every single piece of work on board the ship in the river would have to be done by workmen going from the shore, doing the work in the river, and coming back again on shore; why, need I tell any commercial man who knows anything of the trade of Liverpool that with such a system as this, Liverpool would never have gone on at all? Bristol, or London, or some other port would inevitably have taken the trade; because the working of ships here would have been so dreadfully expensive and so ruinous that the port would have been shut up as a port and its trade destroyed entirely. Now, just look for a moment at the position of the royal dock-yards. The ships there cannot fit out in the docks, but they fit out in the harbor as far as they can. They go to Spithead, and their stores are taken off to them. A carpenter is sent off. If it is blowing hard he does not get there at all. If he does not get there he loses half a day; and that is just how the money is spent in the dock-yards. [Hear.] I say this to the government and the House of Commons: "We want two or three millions to make perfect accommodation, and if you give us this money now we will save that expenditure in two or three years." That is what they should do. They ought to have done it before; but they took a contrary step, and in ten years they have spent a million and a half on mere peddling, stupid alterations, without deriving any benefit from them. The first thing is, they increase the length of a dock by ten feet. Then they widen it two or three feet, and next they deepen it a foot or eighteen inches. That is another way in which the money is wasted. Is there any commercial man who has ever had a ship in this river, and has had to discharge, and load, and refit in the river, who does not know that if he had had proper means for discharging his cargo, refitting his ship, and loading his outward cargo in dock, he would not have beaten another man who was compelled to do all these things in the stream? The man who can do all this in dock would beat the man who has to do it in the river in a very short time. ["Hear, hear," and applause.] Possibly, it may be considered that the country is too great to look into these matters and the expenditure of money; but I say that the true manner in which to manage public business is to manage it as a man manages his own private affairs; and until the government in this country is forced to do something of that kind they may talk about what they will do, but they will never be able to reduce the expenditure which is going on. ["Hear, hear," and loud applause.] I do not know that I ought to occupy your time any longer, but various statements have been made about a vessel that has attained to some degree of fame. I refer to a vessel well known throughout this country as the *Alabama*. [Loud and repeated cheering.] I am not ashamed to acknowledge that some of my family have had to do with that ship. Still, some statements have been made about her which should be controverted. I should not have made any remark now, but for the fact that the government of this country have made certain statements and have given certain legal opinions about her, and they have talked about the vessel having escaped. I see my friend Mr. Hind and other gentlemen who are somewhat of sporting men, and well they know what I mean when I say—when the hounds approach a fox

cover the fox scents the hounds ; and when the huntsman comes up to the cover the fox is gone. It is nonsense to talk about the fox escaping or about the Alabama escaping. The Alabama was in dock when she was inspected by very many curious people ; and in dock she took on board her coals and her stores. There was no secrecy whatever observed about the ship. She went out of dock at night ; and if she wanted to escape, surely the night was a time when she could have escaped. But what was the fact ? They were so vainglorious about their little craft that they anchored her off the landing-stage, and there she remained until half past ten or eleven the following morning, when she left for her destination. They admit that she was not fitted out as a man-of-war, and that they had no legal authority to detain that ship until a man was engaged to serve on board her as a sailor. Does any ship-owner present believe, or any man connected with shipping, that the captain of a vessel supposed to be going upon any extraordinary voyage would go and tell a man who appears to have been a hired agent or spy of certain gentlemen in London ? Would the captain of a ship on such an expedition go and tell a common sailor, at the Sailors' Home, all the ins and outs of his intentions regarding that ship ? ["Hear, hear," and applause.] Certainly not. Now, I know it is not true that that man was told anything of the sort by the captain. I have been so informed, and I believe the information to be on the best authority. But let me tell you it is not necessary, in engaging men to go to any part of the world, to tell those men where they are going ; because, you know, I am an old hand myself in fitting out secret expeditions. [Laughter and applause.] A few years ago it was thought desirable by the government of this country to send vessels to China and to various parts of India secretly. A Chinese war was anticipated ; the Russians were expected to come down the head of the Indus and the Euphrates ; and it was desirable to place faith in somebody. Her Majesty's government were pleased to place faith in me, and I built for the British government about a dozen vessels ; but the government said to me, "What we want you to do, Mr. Laird, is this : we want you to build, and to arm, and equip these vessels, and to send them out ; they must be yours, and nobody must know anything about it." Well, being a prudent sort of a ship-builder, I said, "I will take your order on those conditions." I built the ships ; they were armed ; I engaged men ; I did everything. ["Hear, hear," cheers, and laughter.] I had to engage, not only sailors, but engineers and boiler-makers, ship-carpenters, and men of a variety of trades ; I had to send them to various parts of the world, and I can assure you that a few shillings per month extra did all the business. They did not care where they went so long as they got a little extra pay [laughter ;] and, therefore, the statement regarding the captain of the Alabama having told a sailor all about the ship—whose she was, and where she was for—bears the impress of falsehood upon the very face of it. I never saw the captain of the Alabama but once, and that was after having taken the ship out, and I don't think he was the man to make such a statement as that upon which the ship might have been stopped. Let me read you a few words from a speech of the solicitor general, who made another great speech the other day at Richmond. He said some months ago : "It was not till the Alabama reached the Azores that she received her stores, her captain, or her papers, and that she hoisted the confederate flag. It is not true that she departed from the shores of this country as a ship armed for war." ["Hear, hear," and great applause.] And then went on to say : "But I wish the House to understand that in those depositions there was a great mass of hearsay evidence, which, taken by itself, could not form the basis of any action. Of the six depositions transmitted on the 22d of July, only one was good for anything at all—viz., the evidence of a person named Passmore, which was sufficient to prove the material facts. Two more were sent, corroborating Passmore, on the 24th, and were received by Earl Russell on the 26th." [Hear.] Passmore was the man who made the affidavit

that he was told by the captain where the ship was to go. I don't believe him, and he must have got up the evidence for the occasion. Lord Palmerston, whom we all respect, [applause,] said, on the 27th of March last: "I have myself great doubts whether, if we had seized the Alabama, we should not have been liable to considerable damages. It is generally known that she sailed from this country unarmed, and not properly fitted out for war, and that she received her armament, equipment, and crew in a foreign port. Therefore, whatever suspicions we may have had—and they were well founded, as it afterwards turned out—as to the intended destination of the vessel, her condition at that time would not have justified a seizure." [Cheers.] Now, here is Lord Palmerston, an old and experienced man, who says, in his opinion, the government would have been liable to considerable damages had they stopped that ship. I think, after what has been said—considering my connexion with this place, and after the noise this vessel has made in the world [laughter and applause]—the meeting will excuse my having brought forward these questions. [Applause.] But the whole question of the defences of this country may be, I think, very safely brought before this meeting, because they are all intimately connected with the volunteer movement; and I therefore feel that I have been justified in going somewhat at length into the various questions as to the character of our ships-of-war, the quality of guns that they are to carry, and other incidental matters. Other speeches have been made by a noble lord who does not seem to agree with Lord Palmerston. I mean Earl Russell. [Hisses.] He made a speech the other day which has caused a great sensation all over the world, and which the Americans say is only due to the coercion they have put upon him. Earl Russell is a man who is well known and respected throughout the country by his own followers; but he is a man of whom Sydney Smith said that he had such confidence in himself that he would take command of the channel fleet, if necessary. Well, I think Earl Russell has undertaken something that he will not be able to carry through quite so easily as, perhaps, he might command the channel fleet. He has undertaken to say in this country that he can do certain things, and that if he finds the law is not sufficient he can go to Parliament for an indemnity. [Hear, hear.] I don't believe myself that Parliament will ever indemnify any man in the country, however powerful and however great he may be, if he is trying to transgress the law. [Loud and protracted cheering.] At any rate, up to the time that the act of indemnity is passed, there are laws in the land which all of us are bound to obey. [Hear, hear.] Laws are not made for administrations, but for the people of this country, and the people are only bound to obey the law as it stands, and not to obey laws which may possibly come to be passed hereafter. [Renewed cheers.] Another eminent gentleman, Sir Roundell Palmer, has made another speech at Richmond; and I must say, having read that speech, that it is all very well for an eminent lawyer, one of the first legal authorities of the day, to make a speech in the month of March, and say that those were the views of the country, and then to make a speech in support of another client in October of opposite views; but I say it is not the duty of a man who holds the position of a statesman in this country to be placing one interpretation upon certain facts in March and another in October. [Loud cheers.]

[From the London Times of October 29. 1863.]

Trial of her Majesty's screw launch Experiment.

The official trial of this little craft, which has been fitted by the steam factory department of Portsmouth dock-yard expressly, by order of the admiralty, in order to obtain certain data relative to the merits of the double or turnscrew

system, took place on Monday, in Stoke's bay, near Portsmouth, under the supervision of Mr. John Ward, chief assistant to Mr. Andrew Murray, engineer of Portsmouth yard, and was attended with the most satisfactory results on every point, whether in relation to the speed obtained, powers of turning and manœuvring the vessel with one or both screws, or of steering by the screws alone, without the aid of the rudder. These results have been obtained before to a great extent in the trials of private steamers on the Thames lately fitted on the "twin" screw principle; but the trial of the Experiment at Portsmouth on Monday was the first trial of any vessel fitted on this principle by the admiralty, was their official acknowledgment of the value of a most important discovery in marine propulsion, and was, therefore, attended with a degree of interest beyond what usually attends an ordinary screw trial.

The Experiment is a first-class line-of-battle ship's launch, 42 feet in length, and of proportionate breadth and depth. Her engines and boilers have been made for her according to the designs of Mr. Andrew Murray, the engineer of Portsmouth dock-yard, and are models of workmanship and compactness of form. Boiler and engines occupy a space in the centre of the boat of only 6 feet 11 inches by 4 feet 4 inches, the nominal horse-power of the engines being 3, the length of the stroke of piston 6 inches, and the diameter of cylinder 4 inches. The total weight of engines and boilers, with platform, coal-boxes, &c., and with boilers fitted, is $2\frac{1}{2}$ tons. The cylinders are brought on to each side of the boiler and drive their independent shafting through each quarter with screws attached to the latter of four blades, each screw having a diameter of 2 feet, and a pitch of 3 feet $4\frac{1}{2}$ inches. The draught of water of the launch, at the commencement of the trial, was 2 feet 6 inches aft, and 1 foot 9 inches forward. The launch steamed out of harbor at 10 a. m. against a strong flood tide, and excited considerable surprise in the minds of those on board by the manner in which she ran over the strong adverse tide. The measured mile was reached, and the little vessel was at once placed upon her speed trials, which she accomplished as follows:

	Time.		Knots.	Pressure of steam.		Rev. of engines.
	m.	s.		lbs.		
First run..	8	3.....	7.453.....	55 to 50.....		290
Second run	10	5.....	5.479.....	55 to 50.....		280
Third run.	7	15.....	8.275.....	60 to 55.....		200
Fourth run	11	28.....	5.232.....	60 to 55.....		280
Fifth run..	7	19.....	8.200.....	60 to 58.....		290
Sixth run.	11	10.....	5.373.....	59 to 55.....		280
Mean speed of the six runs, 6.742 knots.						

The revolutions of the engines averaged 290 at 60lb. pressure of steam, and with that pressure the Experiment will realize a good seven knots. On Monday, from a cause which can be easily remedied in future, the steam, as will be seen by the foregoing figures, could not be kept at 60lb., and consequently the vessel lost in speed, although it was almost impossible for anything to be more satisfactory than the speed she actually attained. Indeed, it has become a question worth noticing, while referring to speed alone, whether by thus dividing the propelling power of a vessel in the substitution of two for a single screw, an additional speed of the ship through the water is not gained. The advocates of the principle, such men as Commanders Symonds and Selwyn, R. N., say that full 20 per cent. is gained. Reverting, however, to the actual results obtained by the trial of the Experiment, on the conclusion of the speed trials the vessel was next tested in making circles as follows: With both engines going ahead at full speed, with the rudder acting, a complete circle was made to starboard in 1 minute 9 seconds, and to port in 1 minute 13 seconds. The circle was next made with one engine shut off, and with the port engine standing (the helm still

being brought into use) a circle was made in 1 minute 31 seconds, and with the starboard engine shut off in 1 minute 27 seconds. Reversing the motion of the respective engines, and with the starboard engine going ahead and the port astern, the circle was made in 2 minutes 9 seconds. Repeating this experiment, but with the starboard engine astern and port ahead, the circle was made in 1 minute 48 seconds. The diameter of the circles made, as near as could be ascertained without actual measurement, was, with both engines going ahead and rudder acting, rather under three times the length of the launch; with one engine shut off rather over that distance; with engines reversed, and screws, therefore, working opposite ways, the launch turned on a pivot just abaft her centre, and within her own length, gradually working spirally and astern. The foregoing results confirm in a remarkable degree the trials made during the past twelve months on the Thames by Messrs. Dudgeon, of Limehouse, which have attracted so much attention in the naval and scientific world, and which have been attended and officially reported upon for the information of the admiralty by their inspecting engineer afloat, Mr. John Dinnen. The double or twin screw system of propelling ships-of-war has an importance in relation to the future construction of the British navy of which the general public are but little aware. We are now clothing our iron-clads with 5½-inch armor, but if a gun should be, or has been already, adopted by foreign nations that can to a certainty destroy this armor within point-blank range, then we certainly must give our ships an increasing ratio in their means of defence. It is indeed said that we must clothe all ships designed from the present time with 12 in lieu of 5 inches of armor, in order to meet the advantage that has already been gained by guns over our now orthodox 5½ inches. If we must do this we can only do it by the adoption of the double-screw system, which, it is asserted, will carry any given weight at one-third less draught of water than can be done by any vessel driven by a single screw. If we can thus really carry a given weight in our ships-of-war, by simply dividing their propelling power, at one-third a less draught of water, the sooner such a principle is adopted the better, for every one now seems agreed that our Minotaurs, Agincourts, and Northumberlands will require some eight or nine feet too great a draught of water to be available for any ordinary work on any line of coast. The obvious superiority of the double over the single screw for turning and manœuvring in shallow or narrow waters is already too obvious, after what has already been said, to need any further comment here. In concluding this notice of the Experiment's official trial, it is, perhaps, necessary to state that the double screw was first employed by the late Sir John Rennie, C. E., in building steam vessels for the Indian rivers. They were 70 feet in length, 7 feet 6 inches in breadth, 3 feet 6 inches in depth, and drew 2 feet of water. They were driven by two screws, each of 2 feet 2 inches diameter and 4 feet pitch, by direct-acting disk engines, but their screws were driven by "collective" and not independent engine power. Something of the same kind was followed in three of our iron-cased floating batteries constructed for the Russian war, but it was reserved in this country for Messrs. Dudgeon, of Limehouse, to practically demonstrate the true value of the double-screw system, each screw driven by its own independent engine, for purposes of war as well as of commerce.

Mr. Clay to Mr. Seward.

[Extracts.]

No. 29.]

LEGATION OF THE UNITED STATES,

St. Petersburg, Russia, November 8, 1863.

SIR: Yesterday Major General Greig, "of his Imperial Majesty's suite," called upon me in the name of the officers of the navy and said "that he had

been appointed by them to wait upon me and return their thanks to my countrymen who had shown so much friendship and courtesy to their comrades in America. That his Majesty, the Emperor, was now absent, but no doubt he would, on his return, make suitable acknowledgments to our government of the amicable reception of his subjects at New York. That the Russian officers had always been gratified to meet those of the American navy, and they should be most happy, should any ships-of-war visit Cronstadt, to reciprocate the late courtesies extended to their countrymen." I replied that I was gratified to be the medium of the amiable sentiments of the Russian navy expressed towards my countrymen; but that it is they who felt themselves under obligation to the Emperor and people of Russia, that the popular manifestations of respect for the naval officers of Russia were not ordinary courtesies, but the heartfelt gratitude of the whole American people to his Majesty, the Emperor, who is admired for his liberation of the serfs, and loved for his friendly attitude towards the federal Union. * * * *

After this formal message and response more intimate reliance between Russia and America was the subject of our mutual aspirations. And the general retired, evidently gratified at the distinguished reception of his compatriots in the United States.

The Russian reception in American waters is the subject of conversation in all circles, and the gentry and the common people seem alike to understand and feel the friendly demonstration made at this time. * * * *

I am, truly, your obedient servant,

C. M. CLAY.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C., United States of America.

P. S.—I call your attention to addendum marked A.

C. M. C.

ADDENDUM A.

In giving you the size of the guns on the French vessels, in my late despatch, I followed English authority. In the slip cut from the Times, herein enclosed, you will see that the calibre is 60 pounds instead of 30 pounds, a material difference.

C. M. CLAY.

FRENCH RIFLED GUNS.

To the Editor of the Times :

SIR : In your leading article of to-day upon iron-clad ships there occurs a mistake, which, though perhaps obvious to the initiated, should, I think, be corrected, so that full effect may be given to the otherwise accurate statements made respecting the broadside rifled gun used in the French navy. This gun throws a solid shot of 30 kilogrammes, not 30 pounds weight, and may, therefore, be termed a 60-pounder.

Mr. Clay to Mr. Seward.

No. 30.]

LEGATION OF THE UNITED STATES,

St. Petersburg, Russia, November 15, 1863.

SIR : The French seem to have confined their criticism of their late trial of ships altogether to the supposed superiority of two over one-deckers, in which I dissented from them. Since then other questions have arisen.

1st. Is it better to plate the whole ship, or leaving the ends unclad, thus to make it more seaworthy?

2d. Is wooden or iron framing or backing best?

3d. How can the ship be best prevented from fouling?

The French frigates, which were entirely iron-clad, suffered more in the gale than the ships-of-the-line, which had the bows and sterns unplated. The River Consort, in a late storm, with wooden backing, and entirely iron-clad, nearly sunk with leakage, whilst the Warrior, with iron backing, rode out the same storm with perfect safety. The Royal Oak, in consequence of the galvanic action of the copper and iron, in three years nearly rusted out near the junction, and still "fouled." 1. In response to these facts I would say that as seaworthiness is an essential requisite, if the ship won't bear full armor it must be left off at the ends. In fact, whilst ordnance seems to be superior to the defence, wooden ships already built might be very effectually armed against even iron-clads. 2. Iron backing I urged long ago upon the department upon the very fact which is now established by experience. Every bolt and all the metal put upon the iron frame, with proper mechanical arrangement, strengthens the ship against storm and shot, whilst every pound of iron put upon wooden backing weakens the ship in stress of weather. Iron is also preferable because it is more durable than wood, and can be more largely and readily supplied in case of war than wood. 3. The experiments upon copper and iron bottoms need to be further tried. The copper might be insulated from the iron near the water line by gutta-percha, or some other material, and thus the galvanic action might be avoided.

To return to iron-framing, it allows false bottoms, double skins, and water-tight bulkheads. The Warrior has a double skin protecting the machinery, and is also divided by eighteen bulkheads into as many water-tight compartments, thus being greatly secured against shot, rocks, icebergs, and stress of weather, and other casualties, and especially fire, for stores in one compartment on fire might be submerged at once by water without injury to other things and other parts of the ship.

I have herein enclosed a slip from the London Times of November 6 instant, being an article marked "Modern Artillery." It is a summary of two reports from a committee of the House of Commons, 1862 and 1863, and gives a condensed review of late improvements in English gunnery. I have put it upon a separate sheet, marked "A," so that if it has not met the eyes of our ordnance department it may be sent them, if deemed worthy of notice.

I will only remark that the shells of Sir William Armstrong are worthy of note. I think his method of *coiled* iron welded would not be so strong as H. Ames's method of welded rings. Mr. Ames has a foundry at Falls Village, Connecticut, and our government ought at once to give his guns a fair trial.

I am, your obedient servant,

C. M. CLAY.

Hon. WILLIAM H. SEWARD.

Secretary of State, Washington, D. C., United States of America.

ADDENDUM A.—"Modern Artillery."

The three novel points in Armstrong's system are, his method of rifling and welding *coiled* iron, and his shells. His breech-loading I regard as a failure.

"Similar ammunition", is good.

C. M. CLAY.

MODERN ARTILLERY.*

The art of war, like every other art, has been gradually developed, and has had its periods of stagnation and progression. It has recently made extraordinary advances, especially in the department of artillery, and this was a necessary result of the great improvement in small-arms in range as well as precision. Brown Bess was a capital weapon, and did excellent service in her day. She was a great favorite of the Duke of Wellington, and it was not without reluctance that she was abandoned in favor of the rifle. As soon, however, as this weapon was generally introduced into the service rifled ordnance became a necessity, for it is obvious that if the small-arm exceed artillery in range, the latter must be comparatively useless, as riflemen might then take deliberate aim at the gunners and shoot them down at their posts, while they could make no effectual reply. At the siege of Sebastopol the value of the rifle in this respect was fully exemplified in the ranks of the enemy, as well as in those of the allies. Expedients of various kinds were resorted to with a view to protect the gunner from the deadly aim of the invisible rifleman, but only with very partial success.

In obedience to the general law of demand and supply, the want of guns of precision and long range was no sooner felt and expressed than the inventive faculty of the nation was immediately stimulated to the production of ordnance possessing those qualities. Mr. Lancaster was the first to come forward, when in 1853 he proposed his oval-bore system of rifling, which was approved and accepted by the authorities of that day. Machinery was erected at the royal arsenal for rifling large cast-iron guns on this system, and for making the projectiles, but the manufactory did not long continue in operation. According to Colonel Lefroy, the total amount expended on the remuneration of the inventor and buildings, and machinery connected with this invention, did not exceed £25,000. (First report, p. 147.)

In the year following appeared Sir William Armstrong, who had previously acquired a solid reputation as a man of science, and had distinguished himself as the author of mechanical inventions of the highest practical value. In December, 1854, Sir William had an interview with the Duke of Newcastle, then secretary of state for war, and proposed the system of artillery which is now designated by his name. The result was "an order for a number of his guns, not exceeding six, for trial." (First report, p. 156.) The first gun, a 3-pounder, was completed in March, 1855, and after having been subjected to a series of experiments was delivered in July of the same year. This gun was not tested by the ordnance select committee of that day until November, when they presented a report which was in the main favorable, and requested to be allowed to submit it to further experiments. The gun was rebored up to a 5-pounder, and in December, 1856, Colonel Eardley Wilmot reported that "at 1,500 and 2,000 yards it had made remarkably good practice." (*Ibid.*, p. 156.) Thereupon an 18-pounder was ordered, which was completed July 1, 1857, and tried by the ordnance select committee January 26 and 27, 1858. Concerning the results of this trial, Colonel Mitchell, then superintendent of the school of gunnery at Shoeburyness, reported, February 9, as follows:

"The very extraordinary powers of range and precision of fire exhibited at Shoeburyness on the 26th and 27th ultimo from a breech-loading gun of Mr.

* Report from the select committee on ordnance, together with the proceedings of the committee, minutes of evidence, appendix, and index. Ordered by the House of Commons to be printed July 25, 1862: pp. 335.

Report from the select committee on ordnance, together with the proceedings of the committee, minutes of evidence, appendix, and index. Ordered by the House of Commons to be printed July 23, 1863: pp. 728.

Armstrong's invention appear to me to afford a reasonable expectation that artillery will not only regain that influence in the field which, to a certain extent, the recent introduction of improved small-arms has deprived it, but that that influence will be most materially increased." (First report, p. 165.)

On the 30th of August, 1858, General Peel, then secretary of state for war, appointed the rifled cannon committee, with instructions to ascertain as speedily as possible the best form of rifled guns for field service then known to the war department. In his evidence before the committee of the House of Commons General Peel assigns the following as the reasons which led him to take this course, and which are so relevant that we cannot refrain from presenting them nearly *in extenso*:

"2,308. Was it not during your administration that the breech-loading Armstrong gun was adopted into her Majesty's service?

"It was during my administration that that gun was adopted into the service. Shortly after my appointment to the office referred to my attention was naturally directed to the circumstance that we were behind other countries in not having any rifled ordnance in our service, and notwithstanding the very favorable opinion expressed by my predecessor with respect to the results of the trials made with the Armstrong gun, it had not been adopted. I called upon Colonel Lefroy, whom I found occupying in the service the position of scientific adviser to the secretary of state for war, to furnish a report of all the experiments which had been made in rifled ordnance.

"2,309. That report is now before the committee, is it not?

"That report is now before the committee, but before that report was laid before me I had received what I must say, under the circumstances, appeared an exaggerated account of the results of the trials made at Woolwich with reference to this gun. The Indian government, not waiting for the report of the committee, but in consequence of a report which Lord Stanley had received direct from a very distinguished officer of the Indian artillery, Colonel Willoughby, had applied to the government for a battery of guns. A very distinguished officer, General Brereton, who was then on a committee appointed to decide about shrapnell shells, came to me and stated that from the circumstance of his being at an adjacent butt he had seen the practice with the gun in question, and I think he told me there was nothing in the Arabian Nights half so wonderful as this new gun. The commander in chief came back with an account of the gun almost equally strong, and I believe the words of his royal highness were, that it could do anything but speak. On receiving the report of Colonel Lefroy I adopted the recommendation in that report, and appointed a special committee, in order that they might report to me what was the best rifled gun." (First report, p. 111.)

General Peel's rifled cannon committee reported November 16, 1858, and recommended "the immediate introduction of guns rifled on Mr. Armstrong's principle for special service in the field." (First report, p. 167.) This committee has been charged before the ordnance committee of the House of Commons with unfairness, and with undue haste in arriving at its decision; but, after the most searching investigation, these serious charges have been completely rebutted, as appears from the following passage in the committee's report, 1863:

"The range and precision of the gun were so vastly superior to all field ordnance known at that time that, after careful and repeated trials, the committee appointed to investigate the question recommended its adoption as the field gun of the service. Your committee are of opinion that the adoption of the Armstrong gun by the secretary of state for war for special service in the field was fully justified." (Report, p. iv.)

The Armstrong system of artillery having been introduced and greatly extended both in the land and sea service, and having encountered strong opposition from various quarters, a committee of the House of Commons, termed the

select committee on ordnance, was appointed, June 20, 1862, "to inquire into the expenditure incurred since the beginning of 1858 on various natures of improved ordnance, whether obtained by contract or manufactured in the public departments, and into the results obtained by such expenditure." This committee, having been reappointed February 20, 1863, and having sat through two sessions, concluded its labors July 23, 1863. An immense mass of evidence has been collected and published in their two reports, of which the last appeared only a few weeks ago.

The country has great reason for satisfaction that such a committee should have been appointed, for it is certain that through its instrumentality the Armstrong system has been subjected to the severest conceivable ordeal. Every possible objection has been urged against it, and that before a tribunal of which the majority was assuredly not prepossessed in its favor. While all the avowed enemies of the system were called upon to give evidence, it is somewhat surprising, however, that artillery officers who have had the largest experience of the working of this gun both at Shoeburyness and in actual service in China should not have been invited to attend. Thus, Colonel Taylor, commandant and superintendent of the school of gunnery at Shoeburyness, and his able assistant, Captain Alderson, might have given most valuable and, to the public, most acceptable testimony, for at Shoeburyness alone 37,000 rounds have been fired from Armstrong guns. (Second report, p. 161.) The same may be also remarked of the artillery officers who served in China, not one of whom was summoned as a witness.

We shall now proceed to examine and digest the evidence contained in the reports of the committee, commencing with that relating to the Armstrong system. In the first place we shall adduce the evidence in favor of the system, and in the second place the evidence against it. But it will be necessary to consider apart the subjects of field artillery and large ordnance.

The Armstrong field gun—the term "field gun" being applied to guns not exceeding a 12-pounder—is a rifled breech-loader made of wrought-iron, and essentially differs from all guns previously invented, both in the nature of the rifling and in general construction. The rifling consists of a series of shallow spiral grooves extending over the whole internal surface of the barrel in front of the shot chamber; and the projectile is a cylinder of hard metal coated with lead, about twice the length of its diameter, flat-ended posteriorly and rounded off anteriorly. The shot enters easily at the breech, but cannot proceed beyond the commencement of the rifling, except by the yielding of the coat of lead, under the propelling force of the powder. The lead thus readily adapts itself to the grooves, and, as these are spiral, rotary motion is necessarily communicated to the shot. By this simple expedient the shot is, as it were, surrounded with a tight packing, which effectually prevents windage, and therefore tends to render available the whole explosive force of the powder. The breech is closed with a movable vent-piece, which is firmly secured by a powerful and easily adjusted screw. The gun is constructed on what is termed the coil system, and is formed of a series of coiled tubes shrunk over each other. But let us hear Sir William Armstrong's own description of his original gun, as he communicated it to the ordnance committee:

"It was a gun with a steel tube, surrounded with coiled cylinders, similar in every respect to the tubes of gun-barrels. Now, the peculiarity of that gun was not its being merely a built-up gun, because built-up guns are of very ancient date. In fact, I have no doubt that the original construction of all guns was by building up. It was not merely a hooped gun—that is to say, a gun strengthened by rings, because rings give only circumferential strength, and no longitudinal strength; but that gun was peculiar in being mainly composed of tubes, or pipes, or cylinders, formed by coiling spirally long bars of iron into tubes, and welding them upon the edges, as is done in gun-barrels. Now,

whether any one had conceived that idea before is beyond my power to say, but I feel assured that no gun up to that time had been actually made upon that principle. The whole difficulty lay in the making. It is very easy now, with all our knowledge and experience, to define how such coils are to be made; but at that period it was a very difficult matter to accomplish, and it was not until I had made very many unsuccessful attempts that I succeeded in satisfactorily carrying it out." (Second report, p. 133.)

It is important not to confound hoops with coiled tubes. The ancient wrought-iron guns were composed of longitudinal bars of iron firmly bound together by hoops, not by coiled tubes, which are a modern invention. Sir William Armstrong lays no claim to originality with regard to the principle of construction of these tubes, but candidly acknowledges that he has simply done on a large scale what had been previously done on a small scale in the case of the barrels of fowling-pieces. It should, however, be borne in mind that the difficulty of manufacture is often directly proportionate to the size of the object; and of this the large coiled tubes furnish a striking example. Those who are practically acquainted with the welding and forging of iron will readily admit that the production of a sound tube of large dimensions on the coil principle is by no means easy, and that the skill necessary to insure success was not likely to be attained except through numerous failures.

The general mode of construction of the Armstrong gun is applicable to all guns, whether rifled or smooth-bore, breech-loaders or muzzle-loaders; and, accordingly, in several guns differing much from each other, this mode of construction has been adopted. Hence, no small confusion has arisen in the public mind with respect to the meaning of the term Armstrong gun; and it is therefore necessary to distinguish carefully between general construction and special modifications.

What Sir W. Armstrong claims as essential and peculiar to his system of artillery will be learnt from the following part of his evidence before the committee:

"3,487. (Major O'Reilly.) You mentioned on the last day of your examination that one of the results which had been obtained by the country had been a system of construction of guns; will you kindly say whether you mean by that the system of strengthening the guns by hoops of wrought-iron, or whether you include the system of constructing the barrel?"

"I referred to the coil system.

"3,488. You referred both to the barrel and the external hoops?"

"It is applicable to the barrel and to the hoops.

"3,489. Then what do you mean by the coil system as applicable to the barrels and the hoops?"

"The gun with the barrel of steel as exemplified in my first gun, or with the barrel of coil, as in my subsequent guns.

"3,490. What is the system of construction which you say the country has gained?"

"The coil system; but I have made the internal tubes of the gun of both steel and coils. I use the coil as an alternative when steel is not to be obtained.

"3,495. * * * * * Would you kindly define that further as to its essential part; it consists of polygroove rifling, but the breech-loading is not essential, you say?"

"The essential part is the construction; I think the mode of rifling is subordinate; the most prominent feature is the construction.

"3,496. Then am I right in concluding that the question of the breech-loader or muzzle-loader is not essential in your system?"

"Yes; neither mode is peculiar to my system. I think that the relative merits of the breech-loader and the muzzle-loader is a very difficult question.

"3,497. Is the question of using soft-coated shot an essential part of the system?"

"Yes; not the coating, but using a soft material for giving rotation; it may be in the form of a continuous coating, or in the form of studs.

"3,498. (Sir John Hay.) A soft bearing?"

"Yes, that I do certainly pledge myself to.

"3,499. (Major O'Reilly.) Those are the only points which you consider essential?"

"The essential points are the mode of construction, and, so far as the principle of rifling is concerned, the using of a soft material." (Second report, p. 161.)

It has been alleged that Sir William Armstrong has no claim to the merit of originality in the construction of guns of coiled tubes, and the allegation was carefully investigated by the ordnance committee. Mr. Whitworth, in a letter in the Times of November 8, 1862, asserted that "guns built up of welded coiled hoops were well known in this country before he (Sir W. Armstrong) introduced his rifled ordnance." This letter was subsequently read by the author to the committee, and the following question was put to Mr. Whitworth by Sir John Hay:

"1,446. Can you refer the committee to any guns built up of welded coiled hoops before Sir William Armstrong introduced his rifled ordnance?"

No answer was given. It should be particularly noticed that the question referred to *guns built up of welded coiled hoops*, which is the identical expression used by Mr. Whitworth in his letter to the Times. Now a single hoop may be described as coiled, inasmuch as it is a bar bent in the form of a circle; and the barrel of a gun surrounded with a series of hoops might, in that sense, be said to be constructed on a coiled system. But such a system is essentially different from that of the coiled system of Sir W. Armstrong.

Captain Blakely claims to have invented and patented a gun identical in mode of construction with Sir W. Armstrong's, and he has, moreover, expressed his concurrence with Mr. Whitworth that the coiled system of which he has availed himself "was a well-known method of making guns." (Second report, p. 223.) The captain maintained, before the committee, that "there was no doubt about the identity." (*Ibid.*, p. 223.) He, indeed, commenced an action against the Elswick ordnance committee "for infringement of patent," and at the same time addressed a letter to the secretary of state for war, notifying the existence of his patent, and suggesting either that the government should purchase the patent right or issue a "command to Sir William Armstrong not to defend an action in which his cause is so manifestly unjust." (*Ibid.*, p. 599.) In a letter, dated January 22, 1861, addressed to the under-secretary of state for war, (the late Sir Benjamin Hawes,) the captain demanded the moderate sum of £500,000 for the assignment of his patent. (*Ibid.*, p. 550.) The charge of infringement was denied, under the advice of the law officers of the crown. The captain desisted from further legal proceedings, having been informed by Mr. Montague Smith, Q. C., "that an action would not hold against her Majesty's ministers; that the guns were being made for the Queen, and a subject would have no remedy." (*Ibid.*, p. 226.) It is to be regretted that other patentees, who have caused so much annoyance to the government, should not have had the benefit of similar advice.

The projectile peculiar to the Armstrong gun, and designated the segment shell, is confessedly one of the most ingenious and important elements of the Armstrong system of artillery. It consists essentially of a large number of segmental pieces of cast-iron, arranged like bricks in a well, and solidly compacted together by means of lead, a central cavity being left to receive the bursting charge of powder. The charge is ignited by means of fuzes, which are made to explode on striking an object, or, if desired, before impact. There

are thus two kinds of fuzes, termed the percussion fuze and the time fuze, and particular varieties of each. It is not possible to render their construction intelligible by mere verbal description, and we shall, therefore, refrain from an attempt to do so. The observations which Sir W. Armstrong made to the committee respecting his projectiles and fuzes deserve careful perusal. But they are too lengthy for quotation *in extenso*, and we therefore insert the following extract, which seems to embody the most important:

"I will take this opportunity of explaining to the committee the principle of construction of this segment shell. The spaces between the segments are entirely closed with lead, which renders the whole interior perfectly compact and solid, so that the interior segments contribute to strengthen the shell, and are like the structure of an arch. In consequence of that I am enabled to have the external case extremely thin, and by that means to get a much larger capacity for those pieces and for the bursting charge than if I were forced to use a thick shell. Now I can only use this very thin shell by such a mode of rifling as mine, and for this reason, that whenever the gun is fired, this soft-coated shell is forced into the tightly fitting bore, and the compression of the bore holds it tight and prevents its breaking; without that lateral support I should want a much greater thickness in the external case. I only mention this to show how the projectile may be related to the mode of rifling, so that you cannot alter one part of the system without affecting the other parts. Thus it is with regard to those fuzes. I have found, in my attempts to apply the shunt system of rifling to shells, that even that variation in the mode of rifling (although it embraces the principle of soft metal and compression) necessitated my making certain alterations in the fuzes. These (producing specimens) are fuzes for shunt guns, which are slightly different from the others, the alterations being such as are necessitated by the mode of rifling. You cannot ascertain the best mode of rifling unless you take into calculation what sort of projectile and what kind of fuze is compatible with that mode of rifling." (Second report, p. 146.)

The advantages claimed for the Armstrong field-gun are lightness combined with strength and durability, great precision and extent of range, and for the projectile uniformity and remarkable destructiveness. The disadvantages, on the other hand, ascribed to the gun are founded on the nature of the gun, and the nature of the ammunition. Under the first head are stated breech-loading, deficient strength, and the liability to breakage of the vent-pieces, loss of ricochet, multiplicity of parts, and that, on the whole, the gun is too delicately constructed for the rough usages of war. Under the second head, or that of ammunition, are stated stripping off of the lead coating during flight, liability of the projectiles to become unserviceable in store in consequence of corrosion due to chemical action, excited by contact of lead with iron, and untrustworthiness of the fuzes. The advantages and disadvantages we shall now consider *seriatim*.

Lightness.—We all remember the memorable effect at Inkermann of the two 18-pounder cast-iron guns, weighing forty-two hundred weight each. It was this incident which directed Sir W. Armstrong's attention to the construction of a field-gun capable of performing the work of heavy guns of this kind, and yet so light as to admit of being moved with facility. On this point, relating to the history of his gun, Sir W. Armstrong communicated the following information in his report to the war office, July 14, 1855:

"I may be permitted to observe that the incident which chiefly contributed to direct my attention to this subject still appears to furnish a forcible illustration of its importance. I allude to the memorable service rendered at Inkermann by means of two 18-pounders, laboriously dragged from the batteries, and ultimately directed with great gallantry and success against the Russian artillery, at a distance from which the numerous but lighter guns of the enemy could not effectually reply. Now, these two battery guns were but a clumsy substi-

tute for light long-range field-guns, which would have rendered the same important service with more promptitude and ease, and could have operated at a greater distance from the enemy's fire."

Our field batteries in the Crimea were armed with 9-pounder and our horse artillery with 6-pounder brass guns, the former weighing thirteen and a half hundred weight, and the latter six hundred weight each. The 6-pounder guns were, however, exchanged for 9-pounders. The 9-pounder gun is now replaced by the Armstrong 12-pounder of eight and a half hundred weight, and the 6-pounder by the Armstrong 9-pounder of six hundred weight. By this alteration the service has, therefore, obtained the advantage of possessing guns which not only project heavier missiles with greater precision and to a greater distance, but are also considerably lighter than those previously in use.

Strength.—On this point was adduced before the committee a war office memorandum, dated March 6, 1862, from which we insert the following extract :

"An endeavor has also been made to test a gun of this [12-pounder] nature to destruction; one hundred rounds were fired in quick succession with service charges, and thirty rounds with double charges and cylinders (in lieu of projectiles) progressing in weight up to a hundred and twenty pounds, and the result of this trial was considered as proving that it was practically impossible to burst a gun in ordinary service." (First report, p. 218.)

Durability.—Sir W. Armstrong gave the following evidence before the committee in proof of the durability of the 12-pounder gun :

"I have also a statement of the number of rounds fired from certain unlined guns of an early state of manufacture. I find here No. 7 has been fired 3,263 rounds, and is perfectly good and serviceable. I have here another 12-pounder, No. 6, which has been fired 1,953 rounds, another which has been fired 1,515 rounds, another which has been fired 1,911 rounds, and another which has been fired 1,146 rounds, giving an average of nearly 2,000 rounds, without injury to the gun." (Second report, p. 149.)

"The number of 12-pounders issued for the land service is 392, and for the sea service 178; to them I have to add the sixty-six 9-pounders, which make altogether 636. Out of those six hundred and thirty-six 12-pounders issued, and in use, only thirteen have been returned to Woolwich for repair, and out of those thirteen two were repaired at a cost of 11s. 6d.; of the remaining eleven we had seven guns that were returned as defective in consequence of being lined, so that if we had not unfortunately adopted this mistake of lining defective guns we should only have had, out of six hundred and thirty-six guns, four guns returned to Woolwich for repair. * * * Now, the number of rounds fired from those guns cannot, I believe, be much short of fifty thousand rounds; in fact it would be more. At Shoeburyness alone we had twenty-two thousand, [the actual number was twenty-two thousand seven hundred sixty-five—see second report, p. 159,] while we had in China about four thousand, making twenty-six thousand. We had, again, in the experimental [rapid] firing with entire batteries upwards of four thousand rounds; that brings up the number to thirty thousand; and then we had all the ammunition issued for experimental practice with the batteries, which is fifty rounds per gun per year, some of those guns having been upwards of two years in the service, so that fifty rounds each upon the six hundred and thirty-six guns would be thirty thousand rounds. The result is, in all, sixty thousand; but I will call it fifty thousand. So that those casualties to which I have been referring occurred in the history of fifty thousand rounds fired from six hundred and thirty-six guns." (Second report, p. 184.)

With reference to the evidence advanced concerning durability the committee report that—

"On careful investigation your committee find that out of five hundred and seventy 12-pounders issued and in use thirteen only have been returned to the

royal gun factories for repair, three of which have proved unserviceable, and the remainder repairable at an inconsiderable expense."

Precision and range.—All the witnesses examined before the committee as to the existence of these qualities in the gun are unanimous. (Report, p. vii.) We subjoin the answers to some of the questions put by the committee on this subject.

Question 327, (second report:)

"At the practice at Shorncliffe there were twelve guns used, and they fired in that way their one hundred rounds as rapidly as they could, and with wonderful precision, for the whole of the targets were carried away except those at three thousand yards, and they were hit several times; there was not an accident of any kind to screw, bolt, or gun that could be visible to any one." (Colonel Bingham, deputy adjutant general of artillery.)

Question 3,622, (*Ibid.* :)

"As to the 12-pounder and 40-pounder, when the range was accurately known, their precision of fire up to two thousand three hundred yards was certain at an object about fifteen feet square, and at smaller objects within that range from the shore, and exceedingly good from a gunboat when under way." (Captain Jerningham, R. N., during five years captain of her Majesty's gunnery-ship Cambridge, at Plymouth.)

Question 3,272, (*Ibid.* :)

"I have had considerable practice with all natures of Armstrong guns, 12-pounders, 20-pounders, 40-pounders, and 110-pounders, firing many thousand of rounds at different times. I have a very high opinion of them with respect to range, accuracy, and perfect safety, with common care. They are subject to little defects, and liable to derangements and accidents, but not if proper care is taken with them." Question 3,280: "The accuracy is very great." (Captain Hewlett, R. N., C. B., during six years Captain of her Majesty's gunnery-ship Excellent, at Portsmouth.)

Major Hay, R. A., in his report concerning the action of the 12-pounder guns to Brigadier General Crofton, commanding the royal artillery in the Chinese war, says:

"Their precision of fire and the actual results obtained by them cannot for a moment be doubted; they were the admiration of all." (First report, app., p. 216.)

Uniformity of projectiles.—This is regarded as one of the most important improvements effected by Sir W. Armstrong in field artillery. In his evidence before the committee Sir William stated:

"I found that at that time the service projectiles for field artillery consisted of three different forms: first, the solid shot; secondly, the shrapnell shell; third, common case or canister. Now, the disadvantages of having three different projectiles was this—that batteries were liable to expend for any particular service the form of ammunition which was particularly adapted for that service, and were consequently compelled to resort quickly to a form of ammunition which was not adapted for that service. The idea, therefore, occurred to me of adopting a form of projectile which should be convertible, so as to be used either as solid shot, shrapnell shell, or canister, and this was the origin of the segment shell, in which the arrangement of the segment is made to contribute to the strength of the shell. In so doing I was enabled to use a shell of a very small thickness, so as to obtain an amount of room which I could not otherwise have obtained for the stowage of the contents of the shell. In this way I produced a shell which for all practical purposes had the solidity of a solid shot, and when used without a burster or a fuze produced the effect of a solid shot. When used with a percussion fuze it produced a percussion shell bursting upon impact; when used with a time fuze it represented the ordinary shrapnell shell; and when used with a special adjustment of either the time or the percussion fuze it

could be caused to burst at the muzzle of the gun, in which case it answered the purpose of common case or canister." (Second report, p. 135.)

Major Milward, R. A., who commanded a battery of Armstrong guns in China, has given in his report to General Crofton the following testimony to the correctness of the foregoing remarks of Sir W. Armstrong :

"An enormous advantage of the gun is the great facility of replacing the ammunition; the old difficulty of being out of one description of ammunition while there may be plenty of another is entirely obviated; a few seconds refills a limber-box, and the wagons can retire out of fire, only one at a time being required up with the battery." (First report, app., p. 213.)

"On the subject of ammunition Major Milward has stated that 'they were only supplied with one kind of projectile, but that they found a great benefit in having only one kind of ammunition in the battery, because they found that in replenishing the ammunition in the field they had simply to bring up any limber or any wagon and empty it into the one they were using, and whenever they put their hands into the limber-box whatever they wanted was at hand.'" (Second report, p. 144.)

Destructiveness of the projectiles.—Of all the instruments of warfare yet invented the Armstrong segment shell is admitted to be the most destructive, even by the stoutest opponents of the Armstrong system, and the credit of originality in this respect was not questioned before the committee. The shell of a 12-pounder is composed of forty-nine segments of cast-iron, which on explosion are scattered far and wide, and its terrific effect, therefore, may well be conceived. In the late Chinese war the value of this shell was strikingly demonstrated, as will be seen from the following evidence presented by Sir W. Armstrong to the committee :

"In the first place I would observe that destructiveness is the cardinal virtue of a gun, and the first thing that we have to inquire into, in judging of a gun, is its power of destruction. I will first speak of the destructive effect of the gun when used in the open field as a field-gun. In an action near Pekin a body of about five hundred Tartar cavalry halted at a distance of about fifteen hundred yards from some of our guns, where they imagined themselves to be safe. Sir Hope Grant proposed to try the effect of one shot at them, and he accordingly ordered one gun to be fired. The projectile, which was the ordinary segment shell, containing the usual concussion fuze, touched the ground a few yards in front of the Tartars, and burst in the usual manner. The Tartars immediately fled, and left on the ground thirteen dead men and three disabled horses, all destroyed by that one shell, which was the only one fired. I state this on the authority of Captain Richard Harrison, of the royal engineers, who was standing close by when the shot was fired. I further state, on the authority of Major Milward, who commanded a battery of those guns in China, that he used the guns with very great effect in the open field at ranges varying from four hundred and fifty yards to two thousand yards. He states that the damaging effect of the shells was very great, that the Tartar horses are very thick horses, and that at one thousand two hundred yards he found that the segments had gone completely through them, and left a mark on the off-side of the horse just as if cut out with a knife, as clean as on the near side. The shells and concussion fuzes, he asserts, acted admirably; nothing could be better than the bursting of the shells. He found great benefit in the concussion fuzes from the circumstance that he could pick up the range with great facility, because the place where the shell burst was distinctly seen. Next, as to the effect of the guns against Tartar gunners protected by earthworks. Captain Harrison has stated that at a large fortified village called Tangku there were sixteen or eighteen gunners of the Tartars killed at one gun. He says that the shells were very destructive against the men behind the parapet. He saw where the shells struck the parapet, and the men behind were all killed by the Armstrong

shell. He says the Armstrong guns were considered terribly effective, and that at the taking of the Taku forts they saved a great deal of loss on our side, and that there were an immense number killed by the Armstrong guns. Captain Harrison, who says this, states that he saw every shot fired by the Armstrong guns against forts in China. I further state, on the authority of Major Milward, that his battery fired into the Taku forts at the distance of two thousand yards, and that it was afterwards ascertained that the shell had produced very great effect. All these effects were produced by ammunition of the oldest patterns, which, as may easily be supposed, were very far from perfect. The bursting charges of the shells proved insufficient to break them thoroughly up, and both fuzes and bursters had suffered great deterioration by exposure to damp. The time fuzes, in fact, had been completely spoiled. There cannot, therefore, be a doubt that the effects obtained in that war would fall greatly short of what would now be realized by the ammunition in its improved form. No such effects as those have ever been claimed for the French artillery, and, in fact, it is quite impossible to suppose that ammunition such as they used, even if their guns had been equally powerful, was capable of producing comparable effects."

Dr. Muir, C. B., inspector general, principal medical officer of the expeditionary army in China, states that—

"The severity of the wounds made by Armstrong shell was remarked upon by every medical officer. They were positively frightful. The effects of this destructive weapon had evidently produced a panic, as several dead Chinese soldiers were found tied to their guns by their plaited tails of hair, as a punishment, doubtless, for attempting to escape." (Army Medical Department Report, 1860, p. 382.)

The committee sum up the evidence which they procured on this subject in the following decisive language :

"The testimony as to the Armstrong shell has been universally favorable ; it is described as the most destructive weapon ever used against wooden ships, and most formidable in its effects and range. (Report, viii.)

In our next article we shall proceed to examine the objections urged before the committee against the Armstrong field artillery.

Mr. Clay to Mr. Seward.

[Extracts.]

No. 31.]

LEGATION OF THE UNITED STATES,
St. Petersburg, Russia, November 17, 1863.

SIR : Your despatch No. 41 is received ; also the copy of Consul Phelps's letter. In obedience to your instructions I have called the attention of the minister of foreign affairs to the subject, and asked his good offices in suppressing all such enterprises, if there are any. * * * The assisting, directly or indirectly, the English to fit out war vessels to be employed by the "Confederate States" against the United States, would be a violation of neutrality, for the very act carries proof of the unfriendly intention, and would make all aiders and abettors guilty of an illegal act, no matter when or by whom it might be consummated. But Mr. Phelps don't pretend to give any proof of such acts, or even the names of such persons ; and of course the imperial government can have no base of action. In truth, I don't believe that any such attempts as fitting out war vessels are being made here ; and if they are, England, where the vessels are

said to be building, is the place to detect them. Of course no one would voluntarily avow such criminal designs, if they were entertained.

I am, truly, your obedient servant,

C. M. CLAY.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C., U. S. of A.

P. S.—I enclose you a copy of my note to Prince Gortchacow, as a part of this despatch.

C. M. CLAY.

Mr. Clay to Prince Gortchacow.

No. 26.]

LEGATION OF THE UNITED STATE OF AMERICA,
St. Petersburg, November 4 and 6, 1863.

The undersigned, minister plenipotentiary and envoy extraordinary of the United States of America, has the honor to enclose to his excellency Prince Gortchacow, vice-chancellor and minister of foreign affairs, &c., &c., a copy of a letter from the United States consul at St. Petersburg, E. D. Phelps, esq., to the Secretary of State at Washington, to which he is instructed to call the attention of the Russian government.

The allegations are too indefinite in character and proof to provoke any discussion; and the American minister, relying upon the friendship of his imperial Majesty, prefers to put himself upon the good offices of his excellency rather than upon the neutrality which the laws of nations might seem to demand, to prevent the Russian subjects from trespassing upon the rights of the American Union, by these sales or purchases.

The undersigned believes that he has only to advise his excellency of these unfriendly enterprises, which are rumored to be on foot, in order to cause their prompt suppression if true.

The American minister avails himself of this occasion to renew to his excellency Prince Gortchacow assurances of his most distinguished regard.

C. M. CLAY.

Mr. Seward to Mr. Clay.

No. 52.]

DEPARTMENT OF STATE,
Washington, December 8, 1863.

SIR: Your despatch of November 8, No. 29, has been received. It is gratifying to know that the Russian naval authorities apprehend so well the friendly and fraternal reception which attended the Russian fleet on its visit to the United States.

The welcome extended to them in our principal ports was an unprompted act of the American people. It was, I believe, as universal as it was spontaneous. Admiral Lessoffsky, with a portion of the fleet, has at length entered the Chesapeake and ascended the Potomac. I had the honor on the 5th instant to receive the admiral and his associates, and after bidding them a cordial welcome in behalf of the President, I presented them to my associates in the administration. Yesterday the admiral received the heads of departments on board the flag-ship, and in the evening the Russian visitors met the heads of departments and a large party of United States naval officers at dinner at my house. The President has earnestly desired that their reception at this capital might reflect

the cordiality and friendship which the nation cherishes towards Russia, and thus far, I am happy to say, this wish has been realized. Indisposition of the President has, until now, prevented him from giving them a formal audience.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CASSIUS M. CLAY, Esq., &c., &c., &c.

Mr. Seward to Mr. Clay.

No. 54.]

DEPARTMENT OF STATE,

Washington, December 15, 1863.

SIR: The brilliant and signal defeat of the insurgents which occurred on the 24th and 25th days of November, in front of Chattanooga, was followed by the rapid movement of re-enforcing columns from the army at that point to the support of General Burnside at Knoxville. The siege of that town was immediately raised, and thus the great Alleghany ridge, next in military importance only to the great river channel of the west, is effectually reclaimed by the national government.

Congress assembled on the 7th instant, and the session was inaugurated on the 9th by the delivery of the President's annual message. It was well received by the national legislature, and it seems to be no less satisfactory to the loyal people of the United States. You have especial ability to judge how far the exposition of our foreign relations is truthful and accurate. It is hoped that the firmness and liberality which the President manifests will exert a good influence upon public opinion in other countries.

The confidence of our fellow-citizens in the stability of the Union, which has been rapidly reviving since the great victories of July, has been entirely restored by the expositions of our moral, material, and physical resources which are furnished by the heads of the several departments.

Through what seems a fortunate coincidence, the insurgent chief at Richmond has put forth an explanation of the present state of the rebellion simultaneously with the publication of the message of the President of the United States. It would be difficult, I think, to decide which of the two documents, namely, that message or the appeal of the insurgent leader to his misguided faction, most clearly illustrates the absurdity of the attempt to build up an independent state on the foundation of human bondage within the existing boundaries of this firmly established and compactly organized free American republic. European statesmen will doubtlessly collate them. I shall be surprised if that process does not result in producing a moral conviction that the American people are, and must continue henceforth to be, one indivisible nation.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CASSIUS M. CLAY, Esq., &c., &c., &c.

Mr. Seward to Mr. Clay.

No. 56.]

DEPARTMENT OF STATE,

Washington, January 6, 1864.

SIR: Your despatch of November 4, No. 33, has been received, and it has been read with deep interest, as all of the papers are in which you enlighten this government concerning the political, social, and material conditions of Russia.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CASSIUS M. CLAY, Esq., &c., &c., &c.

Mr. Clay to Mr. Seward.

No. 36.]

LEGATION OF THE UNITED STATES,

St. Petersburg, Russia, January 6, 1864.

SIR: I begin my correspondence of the new year with a grateful acknowledgment of my approval of the President's late message to Congress, and the accompanying proclamation. At the suggestion of Mr. Bergh, secretary of legation, I enclose you a clipping from the London Star, which I make a part of this despatch. This journal has been before and since the rebellion the constant, truthful, and courageous advocate of our country and its cause. I know not whether the government has in any way recognized the disinterested labors of this popular newspaper; but, in acceding to the request of Mr. Bergh, who chanced to be in London during the first year of the rebellion, when such malignity and falsehood were uttered against our government and people by the English press, I realize a double pleasure in doing justice to an able friend of our country, and in availing myself of an opportunity to strengthen the President in his patriotic course, by bringing to his notice one of the many pæans which more and more his enlightened and generous course towards an inoffensive and oppressed race is extorting from all the world.

We heard of the President's illness with sorrow, and now rejoice in the news of his recovery. I do not agree with Mr. Lincoln in all things, but I am not prepared to say that he has not done the best possible under the circumstances for the salvation of the country. It was only when we thought that we might lose him, that we felt how to appreciate his industry, his honesty, his balanced judgment, and above all his fidelity to human rights.

Your obedient servant,

C. M. CLAY.

HON. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

[From the London Evening Star, December 28, 1863.]

The reception of President Lincoln's message by Congress and the northern press is highly auspicious of its ultimate effect. The electoral successes of the opposition in the fall of last year made it doubtful whether the government would have a strong majority in the new Congress. But the choice of Mr. Colfax as speaker and of the Rev. W. H. Channing as chaplain, in preference to the pro-slavery Bishop Hopkins, were hopeful indications to the contrary. These have been confirmed by a vote of 98 to 59, refusing to entertain a resolution by the notorious Fernando Wood in favor of sending peace commissioners to Richmond. The offers of amnesty by the President, resting upon his constitutional authority, do not require to be approved by Congress; but those portions of the message and proclamation which refer to the re-establishment of State governments have been referred to a select committee, with instructions to prepare bills for giving them effect. In the minority of eighty upon this resolution there were no doubt a number of republicans favorable to what is considered the more radical policy of provincializing the subjugated States. It is feared by these earnest loyalists and abolitionists that the premature restoration of political rights to the vanquished rebels may endanger the best fruits of republican victory—that the southern and democratic vote may be again allied in the interests of slavery. The apprehension derives some support from the terms of the proclamation. The oath of obedience to the acts of government and Congress in relation to slaves is to be taken, subject to any modification of those acts by legislative or judicial decisions. It is not pretended that the oath could be administered free from this liability, but it is feared that advantage may be taken of the President's clemency not only to prevent his own re-election, but

Mr. Seward to Mr. Clay.

No. 62.]

DEPARTMENT OF STATE,

Washington, February 24, 1864.

SIR: Your despatch of January 25, No. 38, has been received. I shall prize very highly the contribution to our archives which the direction of the *Invalides* Russia has made.

The President is highly gratified with the good feeling expressed by the Emperor.

If we are not disappointed the campaign now opening will so far restore the prestige of the government of the Union as to warrant us in hoping that Russia will not be so much isolated as she has hitherto been in a just and friendly policy towards the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CASSIUS M. CLAY, Esq., &c., &c., &c.

Mr. Clay to Mr. Seward.

No. 41.]

LEGATION OF THE UNITED STATES,

St. Petersburg, Russia, April 6, 1864.

SIR: Some time since I gave you a compend of the expenditures of the Russian empire for the year 1863, with a promise of the revenues. Until now I have been unable to get the data.

Your obedient servant,

C. M. CLAY.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.**Revenues for 1864.*

	Gross receipts.	Cost of collection.	Net values.
I.			
Ordinary revenues:			
1. Imports:	<i>Roubles.</i>	<i>Roubles.</i>	<i>Roubles.</i>
a. Imports direct	43,529,521 16½	216,133 41	43,313,387 75½
b. Imports indirect.....	169,159,162 22	14,105,812 88	155,051,349 34
2. Crown revenues	13,686,666 34½	11,310,084 59	2,376,581 76½
3. Property of the state.....	50,700,212 84	7,065,428 30½	43,634,784 53½
4. Sundry receipts.....	38,675,244 14	189,818 03	38,485,426 11
5. Revenues beyond Caucasus.....	3,081,837 56½		3,081,837 56½
Total	318,830,644 27½	32,887,277 20½	285,943,366 07
II.			
6. Extraordinary revenues	15,707,769 51½		15,707,769 51½
Total	334,538,413 79½	32,887,277 20½	301,631,136 58½
III.			
7. "Recettes d'ordre"	13,329,446 58½		13,329,446 58½
Grand total	347,867,860 33	32,887,272 20½	314,980,583 12½

Finances of Russia.

Expenditures for the year 1863.	Roubles.
On account of public debt.....	57,487,217
Grand Council of State.....	1,165,375
Clergy, (orthodox).....	5,133,816
Household, (imperial).....	7,755,444
Foreign affairs.....	2,102,532
War.....	115,532,380
Navy.....	18,029,793
Finances.....	37,219,756
Imperial domains.....	9,149,332
Southern colonies.....	431,619
Interior department.....	8,846,244
Public instruction.....	5,889,795
Works and ways.....	18,164,121
Post offices.....	329,923
Ministry of justice.....	6,338,311
Trans-Caucasian provinces.....	3,260,183
Expenses of collection.....	32,887,278
Other expenses.....	915,295
Total expenditures.....	330,538,414

Receipts and expenses of the year 1864.

RECEIPTS.						
	Gross receipts.		Cost of collection.		Net value.	
I.						
Ordinary revenues:						
1. Imports:	R.	C.	R.	C.	R.	C.
a. Imports direct	45,392,433	46½	216,818	41	45,182,615	05½
b. Imports indirect	191,226,113	87½	15,659,676	82½	175,566,637	04½
2. Crown revenues	14,676,434	86	13,679,370	66½	997,064	19½
3. Property of the state.....	53,231,470	97½	7,788,226	21	45,443,244	76½
4. Sundry receipts.....	38,254,717	92½	651,515	65½	37,603,202	27
5. Revenue beyond Caucasus.....	3,453,642	18½	.....	.....	3,453,642	18½
Total ordinary receipts.....	346,241,813	28½	37,995,607	76½	308,246,205	52
II.						
6. Receipts d'ordre	8,366,856	88½	.....	.....	8,366,856	88½
Total	354,608,670	16½	37,995,607	76½	316,613,062	40½
III.						
Extraordinary revenues:						
7. Treasury bonds, (series).....	18,000,000	00	.....	.....	18,000,000	00
8. From 5 per cent. loan, (England-Holland)	28,486,128	46½	.....	.....	28,486,128	46½
Total	46,486,128	46½	.....	.....	46,486,128	46½
Grand total	401,094,798	63	37,995,607	76½	363,099,190	86½

EXPENSES.					
	General expenses.		Cost of collection.		Total.
I.					
Ordinary expenses:	R.	C.	R.	C.	R. C.
1. Public debt	59,637	803 12½	.....	.....	59,637,803 12½
2. Superior institutions of the state.	1,152,732	52½	50,722,000	00	1,203,454 52½
3. Of the church	5,341,942	09	.....	.....	5,341,942 09
4. Department of the establishment of the Emperor	7,755	443 70½	.....	.....	7,755,443 70½
5. Department of foreign affairs ...	2,094,063	21½	.....	.....	2,094,063 21½
6. Department of war	119,770,427	30½	180,275	37½	119,950,702 68
7. Department of the navy	21,684,339	28	.....	.....	21,684,339 28
8. Department of finance	39,606,641	94	18,840,226	66½	58,446,868 60½
9. Department of public domains ..	9,119,201	05	.....	.....	9,119,201 05
10. Admin. of colonies of the south .	117,344	07½	.....	.....	179,344 07½
11. Department of the interior	12,125,564	92½	.....	.....	12,125,564 92½
12. Department of public instruction.	6,083,102	03	160,920	40	6,244,022 43
13. Department of public roads and buildings	17,448,124	13½	7,714,651	37½	25,162,775 51½
14. Department of post office	325,525	72	11,048,811	95½	11,374,337 67½
15. Department of justice	6,489,666	96	.....	.....	6,489,666 96
16. Control of empire	326,268	45½	.....	.....	326,258 45½
17. Department of the cavalry of the empire	594,800	10½	.....	.....	594,800 10½
18. Expenses beyond Caucasus:					
a. Chargeable upon the revenue of the country	3,453,642	18½	.....	.....	3,453,642 18½
b. Chargeable on the funds of treasury	162,735	68	.....	.....	162,735 68
Total ordinary expenses	313,351,358	51½	37,995,607	76½	351,346,966 2½
19. Not estimated in receipts	4,000,000	00	.....	.....	4,000,000 00
Total	317,351,358	51½	37,995,607	76½	355,346,966 28½
II.					
20. Disbursements of order	8,366,856	88½	.....	.....	8,366,856 88½
Total	325,718,215	40	37,995,607	76½	363,713,823 16½
III.					
21. Disbursements militaires extra- ordinares carried to the end of the budget	37,380,975	46½	.....	.....	37,380,975 46½
Total general expenses	363,099,190	86½	37,995,607	76½	401,094,798 63

Minister of Finance, Secretary of State,
DE REUTERN.

Mr. Clay to Mr. Seward.

No. 46.]

LEGATION OF THE UNITED STATES,
St. Petersburg, May 30, 1864.

SIR: I have received your No. 68, and also your circular 543. For the summary of the military situation accept my sincere thanks, for the conflicting statements in the newspapers leave us always in a state of uncertainty and

anxiety. We have news of General Grant's battles up to the 12th instant, and intelligence from New York still later. It seems, at last, that we have a general who follows up a victory and understands the importance of concentration. Whatever may be the result of the difficult campaign towards Richmond, all Europe feels that Grant has added new laurels to his already well-earned fame; and that, if he fails, it will be only because success is impossible; however that may be, final triumph of our arms must come sooner or later. "The Union, it must be preserved!"

Our relations with this court continue to be of the most cordial character.

I have the honor to be your most obedient servant,

C. M. CLAY.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

NOTE.—I send you the official report of the Russian budget for 1864.

C. M. CLAY.

Mr. Seward to Mr. Clay.

No 72.]

DEPARTMENT OF STATE,
Washington, June 17, 1864.

SIR: I transmit, for your information, three printed copies of a correspondence between the honorable Z. Chandler, chairman of the Committee on Commerce of the Senate, and this department, relative to the intercontinental telegraph connecting the eastern and western hemispheres, by way of Behring's straits, proposed by Perry McDonough Collins, esq.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CASSIUS M. CLAY, Esq., &c., &c., &c.

Mr. Clay to Mr. Seward.

No. 48.]

LEGATION OF THE UNITED STATES,
St. Petersburg, Russia, June 27, 1864.

SIR: The emancipation of the Russian serfs has so far proved a success. Turbulence on the part of the liberated, and revolutionary attempts on the side of their late masters, are no longer thought of. Society moves steadily on in its new career. The Emperor has ordered the soldiers of all the regiments to be instructed by regimental officers, and old and young have made great progress. The village priests are also allowed pay for teaching the peasants, and independent schools are rapidly increasing. The aristocracy who exhausted the empire by "absenteeism," now return to their estates. Russia reaps the double advantage of interested labor and more intelligent direction. Rapid advances are made in the introduction of new processes and machinery in farming; ship-building and general manufactures are increased, monopolies abolished, telegraphs and railroads extended; the American system of street railroad is introduced into St. Petersburg, even into the most fashionable streets; the bonds of caste are being broken down, and the rank of the nobles and the wealth of the laboring class begin to mingle in marriage; the liberal policy of the Emperor, I know by personal observation, has infused new life into Finland; the same policy begins to bear fruit in Poland; the whole empire has entered on a new career of more liberal institutions and fixed forms. I doubt not that the imperial policy now looks to an ultimate constitutional empire. * * Russia shares with them her franchises, amalgamates with them, and civilizes

them. The world should not regard her progress into Asia with distrust, but gratification. The new life must come from the west, and Russia is the only nation which can give it. No people are making more advances comparatively than the Russians in the fine and useful arts, in science and letters, and in general intelligence. A great destiny lies before her; let us be careful for our own sakes, and the cause of humanity, to reciprocate her friendly sentiments towards us. * * * *

The renomination of Mr. Lincoln inspires new confidence in national success. * * * * There is a moral fitness in the continuation of Abraham Lincoln in office, till the rebellion is suppressed. It was the revolt of conservative error against progressive right of the few, against the many, of the aristocracy against the people. Jefferson Davis represents the one idea, Abraham Lincoln the other; personally and politically half the fruits of our hard struggle would be lost under any other leader. I rejoice in his nomination, and have confidence in his triumph in the elections and in the war.

Your obedient servant,

C. M. CLAY.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Clay to Mr. Seward.

No. 50.]

LEGATION OF THE UNITED STATES,

St. Petersburg, Russia, August 3, 1864.

SIR: We have a telegram to-day that the President has consented to make peace with the south upon the basis only of a restoration of the Union and the abolition of slavery. I rejoice at this resolve, (rejecting all minor terms;) let us give general amnesty; restore the confiscated lands—do anything but yield the Union and allow slavery, without the destruction of which it would be worth nothing, and all our blood would have been shed in vain.

I copy from the St. Petersburg Journal, to-day, a notice of this resolve of the President, concluding: "The struggle then, goes, on; the end cannot be foreseen; it is, however, consoling to observe that, in the interest of humanity and to the honor of the federal government, this last does not intend to abandon the precious fruit of a struggle, so bloody and so long as has actually been the war of the United States, the abolition of slavery upon the free soil of the American republic."

Such is not only the language of the official journal here, but the sentiment of all true friends of the republic, abroad and at home. Let us stand thereto, live or die! I beg you to lay this before the President.

Your obedient servant,

C. M. CLAY.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Clay to Mr. Seward.

[Extracts.]

No. 51.]

LEGATION OF THE UNITED STATES,

St. Petersburg, Russia, August 22, 1864.

SIR: * * * *

The Emperor and Russians have not been wanting in reciprocating the courtesies shown the naval officers and fleet in America. I was lately invited to

spend a few days at the imperial palace of Kopcha, about 40 versts from here, to be present at a mock campaign and fight of about 60,000 troops. * * * His Majesty told me that he had allowed his officers lately in the United States to call upon me in mass, and express their gratitude for the courtesies extended to them in America; all of which was evidently intended as a national compliment. The Prince Galitzin, aide-de-camp or chief of the suite of the minister of the marine, General Krabbe, called first upon me, and returned thanks on behalf of the minister, and asked when it would be agreeable to me for Admiral Lessoffsky and his officers to call in mass and pay their respects. I named Thursday last. On that day the admiral and officers, accompanied by Count Admiral Greig, chief of the staff of the grand admiral, his Imperial Highness the Grand Duke Constantine, and also of the suite of the Emperor, called upon me as agreed. They were received by myself and Secretary Bergh in full uniform.

Admiral Greig said he was commanded by his Imperial Majesty to return thanks for the courtesies shown his navy in the United States, and instructed also to introduce to me Admiral Lessoffsky and his officers, whom he had also permitted to call on me in person to give expression to their friendly sentiments. The admiral was then introduced, made a complimentary address, and then introduced his suite. I responded in like expressions of regard; then introduced Mr. Bergh, who made a few remarks in French, which were, perhaps, generally better understood than my English. After a pleasant interview, we separated. I asked leave, however, to return the visit at such time as would be convenient, and Saturday last was named.

On Saturday one of the officers of the fleet called, and put us upon the imperial yacht, which was in the city. We were there received by Admiral Greig, who escorted us to the fleet beyond Cronstadt. The American flag was flying at the masthead. When we hove in sight we were signalled in our approach by cannon, and again saluted as we neared the flag-ship; the starry banner of the republic flying also at the admiral's ship's masthead. After being shown the ship, we sat down to an elegant collation, at which the health of the President was first drunk; then other toasts and speeches were made, the band alternating between Yankee Doodle, the Russian national anthem, and other fine music. The admiral of Cronstadt was also present to honor us. After a most pleasant day, we took leave, entered again upon the imperial yacht, and, amidst the firing of cannon and the waving of hats along the whole fleet, we set out for St. Petersburg, where we were safely set ashore. As these honors were for our country, and not for me, I shall prepare a printed report of the same, and send you in a few days.

At a supper given by the oldest regiment of the "guards," at Krasnoe-Selo, where all the officers of the 60,000 troops were present, the Grand Duke Nicolas, and the two Grand Dukes Alexander and Vladimir, and the Prince Oldenburg of the imperial family, our country was warmly toasted, and myself, as its representative, especially honored.

It will be our own fault if the friendship between the nations shall prove short or useless.

I am, truly, your obedient servant,

C. M. CLAY.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c., Washington, D. C.

[Transmitted by Mr. Clay to Mr. Seward, October 12, 1864.]

SEQUEL TO THE LATE VISIT OF THE RUSSIAN FLEET TO THE UNITED STATES UNDER COMMAND OF REAR-ADMIRAL LESSOFFSKY.

On the 11th of August Prince Galizin, aide-de-camp to the minister of marine, and on his behalf, presented himself at the legation of the United States in St. Petersburg, Russia, and announced to General Clay, representative of that country, that it was the desire of Rear-Admiral Lessoffsky, and the officers under his command, to call on him and return thanks for the friendly reception which they had everywhere received in America.

His excellency the minister of the United States, in reply, assured Prince Galitzin that he highly appreciated the honor, and begged leave to appoint the following Thursday, the 18th instant, at noon.

Accordingly, on that day, Rear-Admiral Lessoffsky, accompanied by a numerous suite, and preceded by Rear-Admiral Greig, aide-de-camp and principal secretary to his Imperial Highness the Grand Duke Constantine, entered the legation, and were received by General Clay and Mr. Bergh, secretary.

Rear-Admiral Greig then formally communicated in English the object of the visit, prefacing the presentation of Admiral Lessoffsky and his officers by a speech in the following words :

GENERAL : By command of his Majesty the Emperor, my august master, I have the honor to introduce to your excellency Admiral Lessoffsky, and the officers of the squadron, late in America, under his command.

You are aware, doubtless, that his Imperial Majesty has already, through his minister at Washington, expressed to the President his warmest thanks for the cordial and brilliant reception which was extended to the Russian flag by the government and people of the United States. Now, it is the desire of his Imperial Majesty that one of the first acts of the admiral and his officers, on their return to St. Petersburg, should be to present themselves before the American minister for the purpose of giving utterance to the grateful feelings which animate them individually, as well as the entire navy, and all classes of society throughout the empire, for the hearty welcome and magnificent hospitality which they have been the recipients of during their sojourn in the waters of the great republic so ably represented here by you.

Admiral Greig then formally presented each officer present, after which Admiral Lessoffsky spoke as follows :

YOUR EXCELLENCY : It is by command of our august sovereign, as well as the promptings of our own feelings, that we appear here to-day to return our grateful acknowledgments to the minister of the United States for distinguished hospitalities which have been extended to us during our prolonged stay in America. Our beloved master in thus anticipating our wishes gives another evidence of the nobleness of his nature, while manifesting his high appreciation of such gratifying assurances of the genuine friendship of a great and gallant people. For ourselves, sir, we realize how impotent is language to faithfully represent the emotions which we experience at the recollection of the boundless and untiring goodness heaped upon us by the men and women of your great nation, beginning with our appearance and scarcely ending by the articulation of the reluctant word " adieu."

General : During our usually stormy voyage of life, it is a pleasant thing, and we congratulate ourselves upon our good fortune, when we receive shelter only from the pitiless storm ; but where is the man, and where the forms of speech, that can correctly present his sensations, when the stranger, in addition to this, beholds the unstinted bounty of a nation offered him by the warm hand of friendship ?

For myself I have ploughed many a sea, and let go my anchor in many hospitable havens, but the country you represent, sir, has left preponderating remem-

brances, just as the impressions, inspired by a sight of America's great cataract surpass the emotions occasioned by all similar phenomena of nature. That the day is not distant when your country, now passing through the school of adversity, shall be again happily united, is our earnest prayer, and that of all generous Russians.

This speech being finished, the American minister responded in the following language :

I am proud to be the medium of transmission to my country of his Imperial Majesty's good will, and of the thanks of yourselves and the Russian naval officers, late in America. Individual friendships spring from natural laws; they are always agreeable, often useful; a wise man ever seeks to make friends, from policy if not from sentiment; such considerations are applicable both to nations and to individuals.

Russia, the great power of the eastern, and the United States of America, of the western world, having no antagonistic interests, would naturally obey these laws of affinity; for though one government is autocratic and the other republican, no necessary antagonism results from such difference of forms.

Although we are not prepared to go as far as Pope :

" For forms of government let fools contest ;
Whate'er is best administered is best ;"

yet we, of all people, are least inclined to propagandism, because we are eminently practical, and we know that political institutions grow, and are not made.

From the time of Catharine II, and the hour of our national birth, we have been friends. It was our interest to be so; but, admiral, allow me to say, that the enthusiasm with which you have been received in America sprang from no such cold calculation; it was based upon a higher principle than interest, sentiments yet nobler than the gratitude which we owed your Emperor for his friendship in our hour of trial and misfortune: it came of a common cause in the advancement of our common humanity. Alexander II has liberated by his will more than twenty millions of serfs; we by the power of arms project the freedom of four millions of slaves. Never before in the history of the world had God given into the hands of one man so much power for good, and most nobly and intelligently and bravely has the Emperor done his work. Peter the Great, on the level of the civilization of his age, mastered the physical forces. Powerful in arms, he added new territories to the old, and with iron will and rare intelligence consolidated the power of all. Seeing that in the workshops were created the embryos of the triumphs of the battle-field, by personal example he sought to make labor honorable. He failed because his people were slaves. With all his power he could not remedy the uncleanness of his peasants, nor compel them to cut their unseemly beards! The peasants seemed wiser than the prince. They needed their beards for protection against the cold. The way to cleanse them was not to *shave*, but to *free* them!

The Emperor Alexander, having a higher stand-point upon the advancing centuries, knowing that mind is superior to matter, wields the moral as Peter did the physical forces. He made the peasants free. Freedom will bring self-respect, and self-respect cleanliness. Greater than Peter, he has made labor honorable, since it is no longer the badge of slavery; and yet he has his calumniators, and so have we! From the enemies of progress the world over, came hypocritical cries against our "fratricidal war"! Great are our sacrifices in blood and treasure, but greater yet will be the gain of our triumph to the human race. Often men have fought for their own liberty; we struggle not for our own, but for the liberties of others. Every fallen hero is the world's martyr, who dies that the nations may live forever.

I thank God that I live to witness these great events. Proud of the history of my own country, I yet congratulate myself upon my associations with your

own great monarch. In Russian annals he will be enrolled as the Emperor of all the Russias, King of Poland, Duke of Finland, and "a'that," but the world shall better know him for all time as "Alexander the Great, the liberator, the friend of mankind."

* * * * *

General Clay then presented the secretary of legation, Henry Bergh, esq., remarking, as he did so, that as French was perhaps more generally understood by those present than English, the secretary would offer some remarks in that language.

[Translation.]

GENTLEMEN: I find it difficult resisting the temptation to add a few remarks to those of General Clay, expressive of my pleasure, also, at seeing you here to-day in the legation of our country, and more especially so since the object you have in view is to testify your gratification with the friendly reception which you have everywhere met with in the United States.

By this courteous reception of the officers and fleet of his Imperial Majesty, gentlemen, our countrymen have shown themselves worthy of that ancient alliance which has for its basis mutual respect and good will.

During your absence from your country the journals of Europe have been greatly exercised in divining the object of your visit, and a majority of them have not hesitated to attribute it to a political character, not over favorable to certain European nations. I will not detain you by citing the various hypotheses which these journals have advanced, in order to explain the singular anomaly of two countries, so dissimilar in the form and polity of their government, at the same time so closely connected through their friendly relations as Russia and America; but to us, gentlemen, this presents no difficulty in the way of our perfect comprehension of it. It is explained by a mutually frank and generous policy, by a friendship which knows no wounding souvenir, and above all, by the observance of a firm resolution not to intermeddle in the domestic affairs of one another. Such are the means by which this "mysterious alliance" has been maintained between your country and ours, and I pray God that it may never be impaired; nor is it difficult to imagine the vast advantages which would likewise result to all the governments of the world by the faithful exercise of a similar policy in their intercourse with one another; then, gentlemen, the enormous expenditures of the present day, in the construction of hostile fleets and the organization of prodigious armies; the fabrication of arms and other munitions of war would cease, to be speedily substituted by a beneficent industry, universal fraternity, and a genuine civilization.

From thenceforth burning cities and desolated fields, so common in our time, would no more be seen; no longer would the agonizing cry of these wretched victims to a policy as selfish as it is cruel be heard; in a word, gentlemen, the entire world would be brought to understand that "mysterious alliance" which subsists between Russia and America.

The formalities of the interview being terminated, the party circulated through the rooms of the legation, pausing from time to time before the portraits of Washington and his Imperial Majesty, Alexander II, which conspicuously adorn the walls.

VISIT TO THE FLEET AT CRONSTADT.

According to appointment, made on the occasion of the foregoing reception, the minister of the United States, accompanied by the secretary of legation, visited Rear-Admiral Lessoffsky, on board his ship, *Oслиaba*, lying at Cronstadt, on the following Saturday.

At noon of that day an officer was sent to the legation to announce that the

yacht of the Emperor was in readiness at the English quay, and on arriving on board General Clay and the secretary were received by Rear-Admiral Greig, chief of the staff of his Imperial Highness, the grand duke, general admiral, and immediately thereafter started for the fleet, the flag of the republic flying at the masthead. The numerous government vessels lying at anchor, or at the quays along the entire route, manifested their cognizance of the event by manning the rigging, and as the yacht dropped anchor on its arrival, the flag-ship fired a salute of fifteen guns as the "stars and stripes" were unfolded to the breeze from the masthead. With the rapidity incident to perfect order and high discipline, the "gig" of the admiral was in a few minutes alongside of the yacht, and the party were conducted through a rough sea to the stately and defiant floating fortress of the gallant admiral. Amidst cheers, the roar of cannon, and the national airs of the republic, admirably performed by the band of the flag-ship, the minister, secretary, and their gentlemanly escort, Rear-Admiral Greig, ascended to the deck, where the commander, surrounded by his officers, awaited their arrival.

Now were manifested those graceful personal courtesies which, while they tend to smooth the rude asperities that exist along the highway of life, as unerringly proclaim the high-bred gentleman as lights along a friendly sea-coast indicate its form and bearing.

Having been shown throughout this splendidly appointed ship, Admiral Lessoffsky then invited the party to inspect the numerous souvenirs with which he had been presented during his sojourn in the United States, and subsequently the entire company sat down to a beautiful dejeuner, that was appropriately interspersed with speeches and sentiments, among which are given the following as evidences of the friendly and social feeling that pervades the minds of the citizens of both countries.

THE DEJEUNER.

List of guests invited to the entertainment given to his excellency General Clay, minister plenipotentiary, and to Henry Bergh, esq., secretary of the legation of the United States of America, by Rear-Admiral Lessoffsky, on board his flag-ship, the *Oслиaba*, at Cronstadt :

His excellency Vice-Admiral Berens, commander-in-chief of Cronstadt.

His excellency Rear-Admiral Baron Taube, chief of staff to the commander-in-chief.

His excellency Rear-Admiral General Greig, assistant to the minister of marine
Captain Boutakoff, commanding the frigate *Oслиaba*.

Captain Kopitoff, commanding the frigate *Peresvet*.

Captain Kremer, commanding the corvette *Vitiaz*.

Captain Sarcovnin, flag captain of the squadron.

And the staff of the admiral and the officers of the *Oслиaba*.

The first toast given was by Admiral Lessoffsky :

"GENTLEMEN : I desire you to unite with me in doing honor to a name which the possessor has already rendered immortal by the exercise of high moral courage, in opposition to erroneous popular prejudice, and the practice of a sublime humanity in the emancipation of the slave :

"His excellency Abraham Lincoln, President of the United States."

General Clay responded :

"I might, perhaps, legitimately confine myself to the simple proposal of the health of the representative of your nation, 'the Emperor of Russia,' but when I reflect that his deeds belong not to Russia only, but to the world, you will allow me to propose the health of 'Alexander, the liberator.' "

The third toast was presented by Mr. Bergh, secretary of legation :

"GENTLEMEN: I enjoy the distinguished honor of being permitted to offer a toast, the mention of which suggests the futility of comment, and the feebleness of the rarest eloquence; for while, on the one hand, it fills your loyal hearts and ours with tender recollections of the holy mission of woman on earth—her love, charity, gentleness, and maternal devotion, compared with which the loftiest political and social positions in the world are but tributary; it, on the other hand, addresses itself to our manly appreciation of all that is honorable, chivalric, and glorious in the nature of man. But let me not further mar the beauty of the sentiment by longer dwelling on it—gentlemen:

"Your Christian Sovereign, her Majesty the Empress of Russia, and the imperial family."

By an admirably preconcerted arrangement, as each of the three first toasts was uttered, the battery of the Osliba mingled its roar along with the cheers of the convives in the cabin.

Admiral Lessoffsky then proposed:

"The health of the American minister."

Who in turn offered:

"Prosperity to the Russian navy."

To this Admiral Lessoffsky replied in the following speech:

"GENTLEMEN: The sentiment just offered by my honored guest, 'the prosperity of the Russian navy,' calls for a hearty response in favor of that of the United States, towards which we all entertain reminiscences of such a grateful character that death alone can obliterate them. For my part, I shall ever remember with pride the many tokens of good will with which I personally have been honored by the most eminent commanders of that gallant navy; and never shall I forget the pleasant intercourse I have had with all the brave and devoted sons of that arm of the national defence, who, by their energy, determination, and professional skill, have proved themselves worthy of their illustrious predecessors whom, history informs us, converted the growing trees of the forest into powerful ships of-war in the incredibly brief space of fifty days!

"Everywhere, that obstacles present themselves to bar their steady progress, do we discover the same heroism and inventive genius in removing them; ships of shapes unheard of before are seen sailing upon waters hitherto only navigated by the clumsy and shallow flatboat, threading their way through the woods and bayous at island No. 10, by an ingenious expedient floated over the rapids of the Red river, and finally victoriously passing the tremendous batteries of Vicksburg and New Orleans.

"Again, on the ocean we behold the little Monitor, the product of the genius of Ericsson, rescuing a whole squadron of wooden ships from the assaults of the gigantic iron-clad Merrimac.

"Day by day have we been called upon to bear testimony to the distinguished virtues of these indomitable defenders of their country—their courage, daring, perseverance, faith, devotion.

"Hand in hand with this navy, upon the same path of self-devotion—in the daily exercise of the virtues of the generous brave—have we known the officers of that army, of which we have now so distinguished a representative among us.

"In the generous hospitalities of the camp, gentlemen, as well as the cabin, have we had occasion to note the existence of similar characteristics, giving assurance, along with the goodness of their cause, that this people shall and deserve to be triumphant. I beg you, therefore, to assist me in doing honor to the toast I am about to offer, namely:

"The navy and army of the United States of America."

In reply to this sentiment General Clay said:

"That it had been our good fortune to achieve improvements in naval art, as in all other practical sciences. The whole working class in our country is educated;

the laborer having knowledge of chemistry and the mechanical powers, is continually making improvements upon all old methods. The greatest inventions are made not only by the 'boss,' or master-workman, but by the laborers themselves. Russia has been the first of the nations to adopt our improvements. The new system of labor will place your people in the same category with our own, and when occasion shall occur, I doubt not you will be our teachers, as you are now, in a measure, the recipients of our dearly-bought knowledge. At all events the brotherhood of our growing navies, so auspiciously begun, I trust will last forever."

The minister concluded his remarks by saying, he had heard it said, when Russian sailors saw an American ship they cried out, "There go our countrymen." So now you will allow me to propose the health of "our admiral."

The foregoing speech and toast were received with a storm of applause.

Captain Boutakoff, commander of the flag-ship, then rose and said:

"GENTLEMEN: We have drunk to the commander-in-chief of the navy and army of the United States, as well as to those branches of the public service collectively, and now I propose to offer a name which, in my opinion, is more representative of that navy than any other in America, by reason of the brilliant deeds its possessor has performed at New Orleans and elsewhere, and as I believe is at this time doing before Mobile. Let us drink in a bumper:

"To the health of the gallant and heroic Admiral Farragut."

Admiral Lessoffsky begged permission to join to this toast:

"The health of the gallant admiral's lady, the good and amiable Mrs. Farragut." [Tumultuous cheering.]

General Greig here rose and said that he desired to propose a toast, which he was sure would be received and supported with sincere pleasure by all those who two days ago listened to the friendly sentiments so beautifully expressed, by the subject of it, at the legation of America. He begged the company to unite with him in heartily cheering:

"Mr. Bergh, the accomplished and universally esteemed secretary of the legation of the United States."

The cheers with which this toast was received having subsided, Mr. Bergh, in substance, said:

"GENTLEMEN: 'I am out of my element.' Notwithstanding many years of foreign travel, and a considerable portion of the time upon the sea, in spite of the most heroic and persistent efforts on my part to cultivate friendly relations with the monarch of the ocean, I regret to say that I have failed to make the least progress, and that we stand to-day, in one sense, in precisely the same attitude that we did at the beginning of our acquaintance, to wit, mutual distrust and abhorrence. It is true that the present rock-like immobility of your floating *château*, the sumptuous repast before me, the delicious wines, the music, and the shouts of those iron throats on deck, but above all, the occasion which has broken their silence, have established a temporary truce between Neptune and myself; although I think, upon reflection, you will agree with me that the bit of road lying between us and the yacht we but just quitted in the 'gig' of our gallant admiral is rather rough and needs repairing. In a less material sense, however, I am a great admirer of the sea, and I am bold enough to assert that if ships would be more quiet in their deportment, or, what is still better, would only sail on land, I should have been an admiral long ago. But as human art and science are not likely to fill up the ocean, nor reform the behavior of vessels, it follows that I shall never be promoted, although permitted, as heretofore, to contemplate its poetic beauties of fathomless depth, of boundless space, and mysterious solitude. These and other more important associations, gentlemen, serve to render glorious the profession which you by your individual bearing and gallant deeds have imparted such high lustre to. Who can contemplate without emotion a numerous and mighty fleet about setting out for a distant

land; having for its mission the restoration of that equilibrium of international obligation, which pride, passion, or ignorance for a time may have disturbed?

But, gentlemen, you have not the time, nor I the power, to do justice to such grand considerations. Suffer me, therefore, to thank you, in such inadequate terms as I have at my command, for the honor you have done me in accepting the toast just offered by the distinguished gentleman who has this day so kindly acted as the escort of the minister of the United States among you, and to ask you to lend your acclamations to those of General Clay, and my own, when I offer the name of Rear-Admiral Greig, coupled with that of the governor of Cronstadt, the officers and crew of this Russo-American squadron.

The nine cheers demanded by Mr. Bergh being given, and counted by him as they were pronounced—

General Greig again rose and said: That the toast to Mr. Farragut reminded him of the one without which no company on board the vessels of this squadron ever separated until due honor had been done it; therefore, in rising, as he did, for the last time on this occasion, for the purpose of announcing it, he would premise by saying that it was a sentiment eminently calculated to disturb the fictitious repose of many of his brother officers present; and to substitute, therefore, much sighing and blushing on their part, notwithstanding their wonted manly indifference to menace and danger of every other sort. The truth is, gentlemen, the hearts of very many of this squadron have been stolen from them by the fair girls of America; and, however odd it may seem, with a full knowledge of the enormity of the deed, I rise to propose: "The health and happiness of the ladies of America."

This toast was received by a tornado of applause, amidst which General Clay rose and proposed:

"The ladies of Russia."

Which was in like manner responded to with the most vehement cheers, tigers, &c., and by which the repast was concluded; and soon thereafter the minister and secretary returned on board the yacht, delighted with their reception, and immediately started for St. Petersburg, amid the roar of cannon, the shouts of their gallant entertainers, and the manning of the rigging of all the ships lying in the roadstead.

And thus terminated one of those pleasing manifestations of international courtesy which, unhappily for the peace, prosperity, and permanent civilization of the world, are far too rare in our time.

Mr. Seward to Mr. Clay.

No. 81.]

DEPARTMENT OF STATE,
Washington, August 29, 1864.

SIR: Your despatch of the 3d instant, No. 50, in relation to telegraphic reports of the terms upon which the President is willing to make peace with the insurgents, and giving the comments of the St. Petersburg Journal, has been received and submitted to the President.

I am, sir, your obedient servant,

F. W. SEWARD,
Acting Secretary.

CASSIUS M. CLAY, Esq., &c., &c., &c.

Mr. Seward to Mr. Clay.

No. 83.]

DEPARTMENT OF STATE,
Washington, September 20, 1864.

SIR: I have to acknowledge the receipt of your despatch of the 22d of August, No. 51, which gives me a very pleasing account of distinguished courtesies paid to you, and to our country, by the court and the naval authorities of the empire.

The President is much gratified with these manifestations of Russian good will.

I am, sir your obedient servant,

WILLIAM H. SEWARD.

CASSIUS M. CLAY, Esq., &c., &c., &c.

Mr. Seward to Mr. Clay.

No. 85.]

DEPARTMENT OF STATE,
Washington, September 24, 1864.

SIR: Mr. Hiram Sibley embarked on Wednesday last to visit St. Petersburg. He goes out as representative of the association which has assumed the construction of the intercontinental telegraph between America and Asia across Behring's straits.

I am informed and believe that the company has obtained adequate subscriptions to its stock, and has already made important orders for materials for their great work.

You are aware of the deep interest with which this government regards the enterprise. The President desires that Mr. Sibley may find needful support and co-operation at St. Petersburg. With this view, I send you two copies of an official letter which I addressed to Mr. Chandler, of the Senate Committee on Commerce, in which the argument in favor of the enterprise is discussed. I have to request you to present Mr. Sibley to Prince Gortchacow, and, if leave shall be obtained, to present Mr. Sibley also to his Majesty the Emperor; and I have further to request that you will afford all other facilities in your power to Mr. Sibley, that he may receive the Emperor's favorable consideration for the project. I shall deem it a favor if his Imperial Majesty and the Prince will deign to receive the copies of my letter before mentioned. It will serve to show them how sincerely desirous this government is to cultivate an intimate friendship with Russia, and how carefully we follow here in her great cause of moral, material, and social melioration. You will be at liberty to read this note to Prince Gortchacow.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CASSIUS M. CLAY, Esq., &c., &c., &c.

Mr. Clay to Mr. Seward.

No. 59.]

LEGATION OF THE UNITED STATES,
St. Petersburg, Russia, October 20, 1864.

SIR: Your despatches, Nos. 85, 86, and circular No. 1107, have been received; also, your reports upon the international telegraph. I think that you do not at all overrate the importance of this great work. I have always been of the

opinion that till great improvements are made in the science of telegraphing the telegraphs westward from Europe to our continent will be for all practicable purposes *failures*. The importance, therefore, of the Asiatic route cannot be overestimated, and its practicability is beyond all doubt. You do right in giving P. M. D. Collins due credit for the projection of the enterprise, which has been so intelligently seconded by the State Department. It will give me great pleasure to perform the agreeable duty enjoined in your No. 85, and as soon as his Imperial Majesty and Prince Gortchacow return, and Messrs. Collins and Sibley arrive, I shall attend to your instructions.

I am, very truly, your obedient servant,

C. M. CLAY.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Clay.

DEPARTMENT OF STATE,
Washington, December 1, 1864.

DEAR SIR: I omitted to acknowledge by the last mail the receipt of your note of the 12th of October last, which was accompanied by a pamphlet containing a report of the proceedings of the Prince Galitzin, Rear-Admiral Lessoffsky, Rear-Admiral Greig, and other distinguished officers, in acknowledgment of the honors paid to the Russian flag, and of the hospitalities extended to officers of the imperial navy during the recent visit of the Russian fleet to the United States. The spirit manifested in the remarks of the Russian officers, and in the responses made to them, is highly gratifying.

I remain, dear sir, yours very truly,

WILLIAM H. SEWARD.

CASSIUS M. CLAY, Esq., &c., &c., &c.

RUSSIAN LEGATION.

Mr. Seward to Mr. Stoeckl.

DEPARTMENT OF STATE,
Washington, May 27, 1864.

SIR: I have the honor to communicate a copy of an instruction of this department of the 17th instant, addressed to Mr. Koerner, the United States minister at Madrid,* in which he is directed to employ his good offices towards adjusting the differences which have recently arisen between Spain and Peru. If it should be deemed to comport with the views of the government of his imperial Majesty the Emperor of Russia to give similar orders to the diplomatic representatives of that empire accredited to her Catholic Majesty, no doubt could be entertained that the success of the object of this government in giving the instruction referred to would be rendered much more probable.

I will, consequently, thank you to bring the matter to the notice of the cabinet of St. Petersburg, in order that its powerful moral support may, if deemed advisable, contribute towards the preservation of peace, and the restoration of entire harmony between the countries adverted to.

Accept, sir, the renewed assurance of my high consideration.

WILLIAM H. SEWARD.

Mr. EDWARD DE STOECKL, &c., &c., &c.

* See No. 93, May 17, 1864, to Mr. Koerner, published elsewhere in this correspondence.

Mr. Stoeckl to Mr. Seward.

[Translation.]

WASHINGTON, *May 20–June 1, 1864.*

To the Secretary of State :

The imperial government has just transmitted to me a copy of a decision of the council of the empire concerning vessels driven into the ports of Russia under stress. According to this decision, all vessels that put into Russian ports, not for the purpose of carrying on commercial operations, but in the case of greater force, (putting in under stress,) for instance of weather, chase by an enemy, average, want of coal on board a steamer, or scantiness of provisions, shall be exempt from all navigation dues.

This measure applies to foreign vessels, as well as to Russian bottoms, without any distinction.

The imperial government inquires of me whether a similar law exists in the United States, and, in the contrary case, charges me to enter on negotiations with the federal government, and to invite it to adopt analogous measures towards Russian vessels, as an act of the reciprocity which has always made the base of transactions between the two governments.

Please accept, Mr. Secretary of State, the assurance of my highest consideration.

STOECKL.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Stoeckl.

DEPARTMENT OF STATE,
Washington, June 13, 1864.

SIR: Referring to your note of the 20th of May (1st instant) relative to a decision of the council of the empire concerning vessels driven into the ports of Russia under stress, and to your inquiry whether a similar law exists in the United States, I have the honor to transmit herewith, for your information, a copy of a letter upon the subject, of the 6th instant, from Mr. Harrington, Assistant Secretary of the Treasury, together with a copy of the act referred to, from which it will be seen that a similar exemption from navigation dues is extended, by existing laws, to all foreign vessels in ports of the United States.

Accept, sir, the renewed assurance of my very high consideration.

WILLIAM H. SEWARD.

Mr. EDWARD DE STOECKL, &c., &c., &c.

Mr. Harrington to Mr. Seward.

TREASURY DEPARTMENT, *June 6, 1864.*

SIR: I have the honor to acknowledge the receipt of your letter of the 4th instant, in which you submit for my consideration the proposition of the imperial government of Russia, as contained in a note from Mr. de Stoeckl, of 4th instant, concerning Russian vessels driven by stress into the ports of the United States.

The 60th section of the act of March 2, 1799, makes ample provision for all cases of vessels driven by stress into the ports of the United States, to which you are respectfully referred.

It has been decided by this department that every such foreign vessel is not liable to tonnage dues, nor is the cargo liable to discriminating duties, but she is regarded as on her way to her port of destination.

With great respect,

GEO. HARRINGTON,
Assistant Secretary of the Treasury.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Stoeckl to Mr. Seward.

[Translation.]

WASHINGTON, *June 5-17, 1864.*

MR. SECRETARY OF STATE: I have the honor to transmit to you a copy, hereto annexed, of a new regulation concerning merchant vessels of all nations which may arrive at Cronstadt. This special law is intended for the benefit of the municipal revenues of Cronstadt for the cleansing of vessels.

I pray you, Mr. Secretary of State, to be so good as to order the publication of this regulation through the proper channel.

Please accept, Mr. Secretary of State, the assurance of my high consideration.
STOECKL.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

REGULATION.

[Translation.]

On the 17th of February last his Majesty the Emperor deigned to sanction a decision of the council of the empire, of which the following are the provisions:

1. All merchant vessels, as well masted and sea-going as coasters, and without masts, arriving at the port of Cronstadt, must pay to the benefit of the municipal revenues of Cronstadt a special tax for their cleansing and the removal of their filth, to wit: On each voyage, masted sea-going vessels, fifty copeks each mast; and vessels not masted and coasters, ten copeks each vessel.

2. The arrangements relative to the cleansing and removal of filth from vessels, as well as for the collection of the duty for which they are liable on this head, are made in the general order in force by the municipality of Cronstadt, either by means of letting out by public auction, or by commission, as it shall judge proper.

3. In virtue of the laws in force, the military governor of Cronstadt is charged, as the immediate head of the city of Cronstadt, to attend to the execution of the present regulation.

Mr. Seward to Mr. Stoeckl.

DEPARTMENT OF STATE,
Washington, July 2, 1864.

SIR: I have the honor to acknowledge the receipt of your note of the 5-17th ultimo, communicating to me a copy of a new regulation concerning merchant vessels of all nations which may arrive at Cronstadt, and informing me that

this special law is intended for the benefit of the municipal revenues of Cronstadt, for the cleansing of vessels.

I have the honor to inform you that in compliance with your request I have ordered the publication of the regulation.

Thanking you for the information thus imparted, I beg you to accept, sir, a renewed assurance of my high consideration.

WILLIAM H. SEWARD.

Mr. EDWARD DE STOECKL, &c., &c., &c.

Mr. Stoeckl to Mr. Seward.

[Translation]

WASHINGTON, *July* 13-25, 1864.

MR. SECRETARY OF STATE: According to existing laws of Russia, every foreigner who becomes a subject of Russia, and at a later time renounces this character, is obliged to pay before his departure the equivalent for the taxes for three years, and some other imposts, to obtain the right to export his property.

The imperial government has informed me that under a new regulation the subjects and citizens of powers by whom the dues above mentioned are not enforced will be exonerated therefrom.

I have, in consequence, the honor, Mr. Secretary of State, to request you to inform me if Russians, who are naturalized Americans, and who afterwards return to Russia, taking their property with them, are subjected to any imposts.

Accept, Mr. Secretary of State, the assurance of my very high consideration.
STOECKL.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. F. W. Seward to Mr. Stoeckl.

DEPARTMENT OF STATE,
Washington, August 30, 1864.

SIR: Referring to your note of the 13-25th ultimo, in regard to a new regulation of the imperial government of Russia, removing, on certain conditions the tax heretofore imposed upon the exportation of the property of foreigners who after having become naturalized in that country, subsequently renounce the character of Russian subjects, I have the honor to enclose, in reply, a copy of a letter of the 18th instant from the Secretary of the Treasury, from which it appears that the United States have fulfilled in anticipation the conditions referred to, there being no law in force which imposes any such tax in this country.

Accept, sir, a renewed assurance of my high consideration.

F. W. SEWARD,
Acting Secretary.

Mr. EDWARD DE STOECKL, &c., &c., &c.

Mr. Harrington to Mr. Seward.

TREASURY DEPARTMENT, *August* 18, 1864.

SIR: I have to acknowledge the receipt of your letter of August 11, enclosing a copy of a communication from Mr. De Stoeckl, minister of Russia,

who inquires whether persons of Russian birth, who have been naturalized as American citizens and subsequently returned to Russia, are required to pay any impost in order to obtain the privilege of exporting their property.

In reply I have to state that there is no law imposing any such tax as that referred to.

With great respect,

GEO. HARRINGTON,
Acting Secretary of the Treasury.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Stoeckl to Mr. Seward.

[Translation.]

IMPERIAL LEGATION OF RUSSIA TO THE UNITED STATES,
Washington, October 16-28, 1864.

MR. SECRETARY OF STATE: In the new exequaturs which have been issued by the President of the United States to Russian consuls, the phrase "consuls may enjoy the privileges stipulated by treaties" has been introduced in place of this: "consuls may enjoy the privileges granted to the most favored nations."

Article VIII of our treaty of commerce stipulates, "the two contracting parties shall have the liberty of having in their respective ports consuls, vice-consuls, agents, and commissioners of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nations."

It seems to me that this article indicates clearly that our consuls must enjoy the prerogatives which are or shall be granted to those of other nations; at any rate, I wish to know, in this respect, the opinion of the federal government; and I venture to request you, Mr. Secretary of State, to give me information on this point, so that I may transmit it to the imperial government.

Please accept, Mr. Secretary of State, the assurance of my very high consideration.

STOECKL.

Hon. WILLIAM H. SEWARD,
Secretary of State of the United States.

Mr. Seward to Mr. Stoeckl.

DEPARTMENT OF STATE,
Washington, October 29, 1864.

SIR: I have the honor to acknowledge the receipt of your note of the 16th-28th instant, on the subject of the new exequaturs which have been issued by the President to the Russian consuls in this country.

In reply, I have the honor to state that the object of this measure was not to derogate from the stipulation in the treaty between the United States and Russia to which you refer. The phrase "most favored nations," however, has been found in practice to be somewhat indefinite in its character. If any favor is extended by this government to a consul of a foreign power, the same favor will be extended by the executive government of the United States to the consul of Russia, upon the assurance that the United States consuls in that empire enjoy a similar favor. Treaties are in this country, however, subject to judicial interpretation, and the rights and privileges of foreign consuls are placed by the Constitution under the direct guardianship of the Supreme Court.

It was deemed advisable to reserve in the new form of the exequatur a discrimination which might be supposed to be called for by the special consular conventions which have been entered into by this government with France, the Netherlands, and New Granada.

If the imperial government should think proper to negotiate with that of the United States a consular convention, similar to those above referred to, an overture for that purpose will be willingly entertained.

Accept, sir, a renewed assurance of my very high consideration.

WILLIAM H. SEWARD.

Mr. EDWARD DE STOECKL, &c., &c., &c.

NETHERLANDS.

Mr. Pike to Mr. Seward.

[Extract.]

No. 111.]

UNITED STATES LEGATION,

The Hague, November 18, 1863.

SIR:

* * * * *

The 50th anniversary of the expulsion of the French domination was celebrated here yesterday with great éclat. It was a striking ovation to the House of Orange.

The subject of the proposed European congress occupies much attention. The powers are engaged at present in ascertaining, in advance, just what is to be done, and how. If they can come to an agreement on the points of difference, the congress will meet to ratify this preliminary understanding. But this is simply trying again to settle by diplomacy questions which diplomacy has been endeavoring in vain for months and years to adjust. Still, if there is a will, there will be found a way. * * * *

The cotton question in Europe is assuming a new phase. The production, which last year furnished half the ordinary supply, is expected to be increased to three-quarters this. The enhanced price is producing an extraordinary outflow of the precious metals from northern and western Europe to the east—to Asia Minor, to Egypt, to India, and even further east. Extensive railroad enterprises, necessary to facilitate the increasing transportation, co-operate to the same end. The result is a sudden and sharp money pressure, which threatens to be aggravated. It will probably react on us, and stimulate the drain of gold from the United States during the year to come, and the more that Europe is going to require but little of our breadstuffs, by reason of the abundance of the late harvest.

I have the honor to be, with great respect, your most obedient servant,
JAMES S. PIKE.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Seward to Mr. Pike.

No. 132.]

DEPARTMENT OF STATE,

Washington, November 23, 1863.

SIR: Your despatch of October 28, No. 106, has been received. If I do not improve the information by comments of my own, concerning the changing aspect of European politics, which you are so faithful in giving me, you will not, therefore, conclude that the information itself is undervalued. I may perhaps, without impropriety, express an opinion that so far as the proper interests of the United States are concerned, we are witnessing rather the beginning of a dispersion than an increase of the war cloud.

The military situation here is gathering new interest. The chief theatre of the civil war is now Tennessee and Georgia; operations of great significance are going on there, and the telegraph will not improbably convey intelligence

of results which it would, under the circumstances, be idle for me now to make a subject for speculation.

You will read with much satisfaction the account of the successful occupation of the mouth of the Rio Grande and the port of Brownsville, in Texas. I need not explain the significance of that event.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES S. PIKE, Esq., &c., &c., &c.

Mr. Pike to Mr. Seward.

[Extracts.]

No. 112.]

UNITED STATES LEGATION,

The Hague, December 2, 1863.

SIR: * * * * * * * *

You will have learned that the proposed congress of sovereigns and their ministers at Paris is likely to fall through in consequence of England's declining to enter it. The congress meant the Polish question and nothing else.

On this subject England and Austria have held the reins on the French Emperor all summer, and, doubtless, they will continue to act together on it.

European affairs are thus likely to remain in *statu quo*, (perhaps rendered even more complicated by the failure of the congress,) which is a favorable condition for us, for the elements of disturbance are great enough to occupy statesmen on this side with attending to their own concerns.

I have the honor to be, with great respect, your most obedient servant,

JAMES S. PIKE.

HON. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Seward to Mr. Pike.

[Extracts.]

No. 137.]

DEPARTMENT OF STATE,

Washington, December 22, 1863.

SIR: Your despatch of December 2, No. 112, has been received.

I forbear from comment on European questions, although I appreciate very highly the information you give me concerning them.

The most important incident of the hour here is the discovery of the extent to which British and French toleration of the insurgents has emboldened them to avail themselves of friendly ports as a base of naval expeditions to make direct war against the United States. The revelations have been brought to the knowledge of the two governments concerned.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES S. PIKE, &c., &c., &c.

Mr. Pike to Mr. Seward.

[Extracts.]

No. 116.]

UNITED STATES LEGATION,

The Hague, December 30, 1863.

SIR: * * * * * * * *

The great successes of our late military operations in Tennessee and Kentucky, of which you speak, are most gratifying. They seem to prelude the collapse of the rebellion. They have a double force, coming, as they do, at the same time with the confession of its ruined finances. Nobody here is bold enough to even speculate on the prospect of the schemes put forth by Mr. Davis and Mr. Memminger to retrieve the financial position. They are simply regarded as futile and impossible. The confession of Mr. Memminger that their cause is ruined unless success attends these schemes, becomes broadly significant in the light of this judgment. To the European mind the insurgent struggle to contend longer against the Union arms thus takes on the phase of mere desperation.

Great alarm is felt at the progress of the movement in Germany, which is now assuming a revolutionary aspect by demanding the forcible dismemberment of Denmark in defiance of treaties. The helplessness of Denmark excites sympathy, but does not secure assistance, which is the one thing needful. The question of the duchies, so long menacing, must now be solved one way or another. Apprehensions are beginning to be felt that its solution may even involve a struggle between the popular and legitimate interests in Germany itself.

The European congress falls through under cover of propositions for a modified form of it in the shape of ministerial discussions. This is only to enter the endless circle of diplomacy by the same door from which the original proposition for a congress issued.

There are no longer any alliances in Europe. But it is not to be inferred from this that the hostile spirit of the great powers towards one another is increasing. It seems rather to be lessening.

* * * * * * * *

As to us, I believe the sentiments of all nations towards us to be profoundly peaceful.

I have the honor to be, with great respect, your most obedient servant,

JAMES S. PIKE.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington.**Mr. Pike to Mr. Seward.*

[Extracts.]

No. 118.]

UNITED STATES LEGATION,

The Hague, January 6, 1864.

SIR: The ministerial crisis of which I have spoken has culminated in the resignation of the minister of foreign affairs, Mr. Van der Maesen. His place is temporarily filled by the minister of marine, Mr. Kattendyke.

* * * * * * * *

The King sought me out at the annual gala ball at the palace on the 4th instant, to say that he desired, as King of the Netherlands, to say to me, as the representative of the United States, that he regarded our struggle with deep interest, and wished to express to me what he really felt—a sincere sympathy with the United States government as an old and faithful friend of Holland. The King is a truthful man, and I have never heard him

accused of saying what he does not mean. His mother is a sister of the late Emperor Nicholas, and he is said to have strong Russian sympathies.

Nobody seems to be able to predict what will result from the Danish complications, but the apprehension of war is general. England would like to unite with France and compel a settlement of the difficulty, but the latter feels offended at England's refusal to attend the proposed congress, and declines the enterprise; at which England, on her part, is at once huffed and embarrassed. Her statesmen do not wish to see Denmark dismembered, but they will not threaten to take up arms alone against Germany to prevent it. The situation tends to increase the irritation between the two countries.

The German Diet, in pushing for what it terms federal execution in Holstein, has roused a popular sentiment which goes much faster than the governments which projected the movement. Among the leaders of it is the Duke Ernest, of Saxe-Coburg. He stands sponsor for the now troublesome Pretender, the Duke of Augustenberg. The great ruling houses of Germany would be glad to see him lose his own little duchy by way of penalty for what they regard as his mischief-making propensities. These growing European troubles occupy the governments sufficiently to keep them from devoting any unusual share of attention to our concerns, which they are quite content to continue to leave to our government to manage.

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I have the honor to be, with great respect, your most obedient servant,
JAMES S. PIKE.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Pike to Mr. Seward.

No. 119.]

UNITED STATES LEGATION,
The Hague, January 13, 1864.

SIR: I have to acknowledge the receipt of your despatch of December 22, No. 137. It is a critical moment in the affairs of Europe. The point of collision between the German and Danish troops in Schleswig-Holstein is almost reached, and any day may witness the breaking out of war. Of course the utmost solicitude is felt for the consequences. The ill blood raised in France by the refusal of England to attend the congress is conspicuously exhibited by the continued refusal of the former power to act in concert with England to prevent a rupture. To what extent the Emperor proposes to carry this policy remains to be seen.

I have the honor to be, with great respect, your most obedient servant,
JAMES S. PIKE.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Pike to Mr. Seward.

[Extracts.]

No. 120.]

UNITED STATES LEGATION,
The Hague, January 20, 1864.

SIR: * * * * *
The war clouds thicken. England seems disposed to side with Austria and Prussia on the German and Danish question, while France appears to aim to

make friends of the smaller German powers, who do not at all agree with the two dominant states of the German Confederation.

* * * * *

A new minister to take the place of Mr. Van der Maeson has not yet been found.

I have the honor to be, with great respect, your most obedient servant,

JAMES S. PIKE.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Pike to Mr. Seward.

No. 121.]

UNITED STATES LEGATION,

The Hague, January 27, 1864.

SIR: The King has again spoken to me concerning our prospects, and desired to know if I had communicated to the President what he previously said to me.

I know of no new developments of European politics relating to our affairs that possess interest.

The war cloud lightens up this week. Strong hopes are now entertained that a peaceful solution of the Schleswig-Holstein question may even yet be found.

Our enemies are making use of the present lull in military operations to renewedly argue in the press the hopelessness of the attempt of the government to subdue the rebellion. They never fail to make the most of their opportunities.

We still remain without a minister of foreign affairs.

I have been several times inquired of when our government would probably act on the treaty.

I am sorry to say that our finances, which with our friends are always a subject of deep solicitude, are not regarded here with the same hopefulness that seems to prevail at home. It is believed we want less legal tender and more taxation. Confidence is wanting that we can maintain our financial system for any length of time if the existing disproportion between income and expenditures is suffered to go on. This distrust is telling on our securities. Our 1882 6's, which have been as high as 80 within a few months, are down to 67 in Amsterdam. Yet we have no better friends in Europe than the Dutch, nor any who would be more glad to see our stocks rule high.

I have the honor to be, with great respect, your most obedient servant,

JAMES S. PIKE.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington.

Mr. Seward to Mr. Pike.

No. 139.]

DEPARTMENT OF STATE,

Washington, January 29, 1864.

SIR: Your despatch of the 6th of January, No. 118, has been received. The President is especially gratified by the sentiments of kindness and good will towards the United States which were expressed to you by his Majesty on the occasion you have mentioned.

It is remarkable that the European powers are exercised with debates and even seeking conferences upon the questions how to preserve peace and reduce

armaments in Europe, and yet they at the same time pursue a system that aggravates and prolongs war in America, and forces upon the United States a policy of military preparation incongruous with their history and uncongenial with their natural disposition.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES S. PIKE, Esq., &c., &c., &c.

Mr. Pike to Mr. Seward.

No. 122.]

UNITED STATES LEGATION,

The Hague, February 10, 1864.

SIR: Since I wrote you last, the apprehended war on the Dano-German question has broken out, and appears to have ended almost as soon as begun. It is feared that injustice will be done to Denmark in the settlement that will follow the invasion of Schleswig. Prussia and Austria have a troublesome popular ferment to appease, and it would seem that it must be allayed at the expense of Denmark. Here in Europe all sympathies are with the Danes. The active movements of the small German powers since the late military successes of Austria and Prussia, to prevent the latter from thwarting their desires in the settlement of the question, forebode further difficulties; and among the contingencies of the future a revolutionary contest in Germany itself still holds a prominent place.

We are still without a minister of foreign affairs. I have not received a copy of the diplomatic correspondence of 1863.

I have the honor to be, with great respect, your most obedient servant,

JAMES S. PIKE.

HON. WILLIAM H. SEWARD,

Secretary of State, Washington.

Mr. Seward to Mr. Pike.

No. 142.]

DEPARTMENT OF STATE,

Washington, February 15, 1864.

SIR: Your despatch of January 27, No. 121, has been received. The President was promptly made acquainted with the kindly sentiments and good wishes of the King of Holland, which you communicated to me in your No. 118, and they were accepted with sincere satisfaction.

Laborious efforts have been made from time to time, chiefly by British statesmen, to prove that the concession of a belligerent naval character by their government to the insurgents in this country was right, and even that it was necessary. The United States have never conceded either the justice or the necessity of that proceeding, but, on the contrary, they declared at first, and have ever since maintained, that it was as ungenerous and unfriendly as it was exceptional. Having been followed by the concurrence of the other maritime powers, as it is understood in some cases upon considerations of prudence, and in others upon the suggestions of sympathy with Great Britain, that important measure has secured to none of the maritime powers any real advantage, while it has deeply affected the United States. Steadily adhering to the prudent policy which their exposed condition suggested, they are at last surmounting what other states have insisted upon regarding as fatal dangers. But, as they feel more assured of coming out of the revolutionary storm, the people of this coun-

try become more and more keenly sensible of the injuries which they received from friendly hands during their peril. European statesmen, on the other hand, are beginning to consider what will be the form and measure of the atonement that the United States will claim at the hands of states which unnecessarily and unkindly have lent aid and sympathies to the insurgents.

It is to be expected, of course, that the United States, after passing the present crisis, will seek to maintain the position they have hitherto held in the commonwealth of nations, and to improve the resources with which Providence has blessed them. But it is no secret that the President thinks justice and magnanimity are safer and surer guides for a republic than jealousy and aggression. It is, moreover, hardly to be expected of any people that they will be content to practice these virtues towards other nations which persevere in injurious and wantonly offensive courses. Desirous, therefore, that when our domestic war shall cease, the natural controversies that grew out of it may also be brought to an end, I have been authorized, whenever circumstances seemed propitious, to invite the maritime powers to re-examine their attitude and to resume their original relations towards the United States. I know how hard it is for a state to retrace an erroneous course so long as it can be followed without immediate peril; and therefore I am not surprised or discouraged with the failure that has thus far attended the appeals which we have made not more earnestly in the present interest of our national cause than in the ultimate interest of universal peace and harmony. But if we are right in our belief that the American Union is coming safely and purified out of the fire through which, for its early acceptance of human bondage as a political element in its organization, it was doomed to pass, then it is clear that the maritime powers would do wisely in promptly receding from the position which, in a moment of precipitancy, they unwisely adopted in regard to the insurrection. If the United States survive the struggle, all of the maritime powers must, sooner or later, revise their attitude of which we complain. The power that first perceives and performs this duty will be distinguished, and will reap the rewards of wisdom and virtue.

I am obliged to confess that it is not now expected that the treaty in regard to negro emigration will be ratified. The American people have advanced to a new position in regard to slavery and the African class since the President, in obedience to their prevailing wishes, accepted the policy of colonization. Now not only their free labor but their military service also is appreciated and accepted.

The views of our finances taken by our friends in Holland are neither unjust nor unexpected. They are accepted by the Secretary of the Treasury, and, I believe, by Congress. I think I can promise that the increased taxation necessary for sustaining the public credit will be wisely imposed by the legislature and cheerfully borne by the people.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES S. PIKE, Esq., &c., &c., &c.

Mr. Pike to Mr. Seward.

[Extracts.]

No. 224.]

UNITED STATES LEGATION,

The Hague, March 9, 1864.

SIR: I have to acknowledge the receipt of your despatch of the 15th of February, No. 142.

* * * * *

The Jews have taken to buying our bonds largely, as they get them at a

rate which pays them near 10 per cent. for their money. I am told the transactions at Amsterdam amount to near two millions weekly.

I have the honor to be, with great respect, your most obedient servant,
JAMES S. PIKE.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Seward to Mr. Pike.

[Extract.]

No. 145.]

DEPARTMENT OF STATE,
Washington, March 11, 1864.

SIR: * * * * *

At this distance from the theatre of action we do not attempt a solution of the political problem in Europe, but it surprises us to see how slow the statesmen of that continent are in finding that their labors upon it are not at all rendered lighter by the injurious policy they are practicing in regard to American affairs.

The campaign in the west is opening with a gratifying display of steadiness and energy. The elections which have recently occurred in Louisiana, in New Hampshire, and especially in New York, indicate that the impulsive movement of April, 1861, has ripened at last into enlightened and irrevocable resolution to maintain the integrity of the Union, and to place our political system on broad and sure foundations. It is not under such circumstances that we are likely to be disturbed by rumors of dangers of interference by foreign powers.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES S. PIKE, Esq., &c., &c., &c.

Mr. Pike to Mr. Seward.

[Extracts.]

No. 125.]

UNITED STATES LEGATION,
The Hague, March 16, 1864.

SIR: We have at last a minister of foreign affairs in Mr. J. Cremers, of Groningen, the centre of liberal politics in this kingdom.

This appointment does not involve any change in the policy of the present ministry, of which Mr. Thorbecke is still the head; and as the ministry has already taken its ground on the question of granting belligerent rights to the insurgents, and argued out a reply to the suggestion that it would be well for them to review their position, I suppose it is useless at this time to ask a reconsideration of their views.

I am addressed again by Mr. Marx, our new consul at Amsterdam, who, it seems, is still in that city, in regard to his commission and exequatur, but I have still to reply to him that I have not yet received the duplicate commission for which he waits.

I indulge in no review of the political situation of Europe, feeling that it would be perhaps alike uninteresting and superfluous. Ever since England and France broke up on the question of a congress at Paris, affairs have been in a more than usually unsettled condition. France continues to hold an attitude of reserve, and appears to enjoy the embarrassments of England in failing to make anything out of her active negotiations between Germany and Denmark.

People talk about the danger of the war spreading, but I confess my inability to see any solid foundation for such a fear. There is nobody to spread it but France, and she is just now as much isolated as England. In the event of war, on any existing issue, she would be pretty sure to have all three of the other great continental powers opposed to her; and I believe the discord between this power and England to be now so great, that they would not pull together in any hostile policy.

The situation, therefore, with all its uncertainties, I think is, in the main, peace between the leading powers.

So far as we are concerned, I see nothing that bears upon our interests, either for or against, in the present or prospective action of any European government. They all wait, if without hostility, yet without sympathy, to see what will come of the contest in which we are engaged.

This government receives with regret the intimation that the treaty with regard to emigration to Surinam, lately negotiated here, is not likely to be ratified. Surinam wants labor, and the colonial department is anxious to have the credit of making a treaty that looks to the obtaining of it. I have no doubt, however, of the good policy on our part of rejecting the treaty.

I have the honor to be, with great respect, your most obedient servant,

JAMES S. PIKE.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Pike to Mr. Seward.

[Extracts.]

No. 128.]

UNITED STATES LEGATION,

The Hague, April 6, 1864.

SIR: I have to acknowledge the receipt of your despatch of March 11, No. 145.

It now seems probable that a means of solving the Dano-German question will be found in the course of the spring.

The King of Holland is, at this moment, making his brief visit to Amsterdam, where he has a very rarely used palace. The Queen has been in Wurtemberg for some weeks, drawn thither by the illness of her father the King.

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I have the honor to be, with great respect, your most obedient servant,

JAMES S. PIKE.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington.

Mr. Pike to Mr. Seward.

[Extracts.]

No. 129.]

UNITED STATES LEGATION,

The Hague, April 20, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch of the 5th instant, No. 146.

* * * * *

The London conference on the Dano-German question will have great difficulties to overcome, as you are aware, but it is presumed that it can hardly fail

to restore peace. A favorite plan of settlement seems to be the union of the north half of Schleswig with Denmark as an integral part of the kingdom; the remainder to go with Holstein into the German Confederation, 'under the King of Denmark as its duke.

Our new minister of foreign affairs, Mr. Cremers, is thus far very successful in his office, though never before in public life.

I have the honor to be, with great respect, your most obedient servant,
JAMES S. PIKE.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Pike to Mr. Seward.

No. 130.]

UNITED STATES LEGATION,
The Hague, April 27, 1864.

SIR: The quieting tenor of the Senate action on the Mexican question has restored the equilibrium on the stock exchange, and our securities rebounded yesterday to just the same extent they fell last week. The general tendency of prices is, however, downward, and has been so for some time past. The slow progress of the war accounts, in the main, for this decline; but besides the general reason, there is another. The pushing of numerous new paper banks into existence during such a convulsion as rages in America, is regarded with great distrust by Dutch financiers, and it is believed will complicate still further our already overburdened and embarrassed finances. Instead of more banking machines, these conservative people insist that we have too many already. They say we have a plethora of paper money, and that this is our difficulty and danger. They ask, "Why add to the list of paper money banks, which cannot resume specie payments when the storm is over? The country will be deluged by the issues of the new banks, and their influence on the question of resumption will be pernicious and tend to prolong the period of disaster." They admit that if the machinery was necessary to enable the government to place their loans, or to furnish a circulating medium, they could understand why the new banks should be created. But as they are evidently needed for neither purpose, the object of calling into existence such a potent element of expansion and speculation is beyond their comprehension.

There is only one point of view in which this policy is regarded with complacency. It is that the general deluge of paper likely to inundate the channels of circulation through their operations will, by discrediting all banks, throw the country all the sooner back upon a specie currency. They do not overlook the fact that the abundance of the precious metals now fast filling the world may render this transaction comparatively easy, and thus be unattended by the convulsions which such radical changes have hitherto produced.

But any way the opinion reigns that the new banks will only make a bad matter worse, and that when the end comes they will be able to lighten nobody's load, but will be just as deep in the mud as everybody else will be in the mire. Whereas, if the creation of a national bank, or a chain of banks, based mainly on government securities, were deferred until the government circulation had to be funded with a view to a resumption of specie payments, they might be made efficient agents for this purpose.

It is thus that distrust is increased by considerations lying outside the general course of affairs. I think you will agree with me that much weight

attaches to the view of these practical financiers, to which I fear I do but imperfect justice in this rapid outline.

I have the honor to be, with great respect, your most obedient servant,
JAMES S. PIKE.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Pike to Mr. Seward.

[Extract.]

No. 131.]

UNITED STATES LEGATION,
The Hague, May 4, 1864.

SIR: * * * * *

The internal affairs of this country continue in a highly prosperous state, and the finances of the kingdom are peculiarly flourishing, owing to the present high prices of tropical productions. This is not the only country in the Old World which has derived commercial and financial advantages from our disorders.

The public feeling continues feverish over Danish affairs. I do not suppose the war will involve other powers besides those already engaged, but no man can say what may result from the odious pressure put upon Denmark by Germany. It looks now as if there would be no compromise, and as if Denmark would be forcibly dismembered.

Our securities continue depressed. The doubt now expressed is, not of the unwillingness of the country to go on with the war, but of its ability to prosecute it. This is but one of the ever-varying phases of continental opinion which has marked the progress of our contest from the beginning. How soon it will give place to another depends on our military operations.

I have the honor to be, with great respect, your most obedient servant,
JAMES S. PIKE.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Pike.

No. 151.]

DEPARTMENT OF STATE,
Washington, May 6, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch of the 20th of April, No. 129. * * * * *

Recent advices from the eastern States of Mexico represent that the national cause has revived in that region since the flight of Vidaurri, the disloyal governor of Coahuila and New Leon. Our attitude in regard to the conflict in Mexico remains unchanged. We still continue to see there a war between France and Mexico in regard to which we are, as in all other foreign conflicts, neutrals.

Our spring campaign has opened, and it may be expected that its events and vicissitudes will for a time abate the interest with which we have been watching the commotions of Europe.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES S. PIKE, Esq., &c., &c., &c.

Mr. Pike to Mr. Seward.

No. 132.]

UNITED STATES LEGATION,
The Hague, May 11, 1864.

SIR: The United States government steamer Kearsarge has made her appearance at Flushing, in the island of Walcheren, with the object of making some repairs.

At the instance of the commander, Captain Winslow, I have procured liberty from the minister of marine for the ship to enter the government dock at that port for this purpose.

I have the honor to be, with great respect, your most obedient servant,
JAMES S. PIKE,

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Seward to Mr. Pike.

No. 153.]

DEPARTMENT OF STATE,
Washington, May 16, 1864.

SIR: Your despatch of April 27, No. 130, has been received. I thank you for the interesting information it brings me on the subject of American credit in the Netherlands. The embarrassment which you have witnessed there has been equally observable here. In fact, financial interests seem to know neither geographical nor political restraints. If we understand here the fiscal system of the Treasury Department, it is designed to substitute for divers conflicting banking institutions, deriving their authority from the States and responsible only to them, and using State and private securities as a basis of circulation, one general system of many united parts, deriving its authority exclusively from the national government, responsible to that government only, and employing the stocks of the United States as the basis of circulation. It seems to me to approach as nearly as possible to what I regard as the most effective fiscal agency the government could create—a bank of the United States, with responsible branches in the several States and Territories.

The new system still struggles in Congress with the State banks, and the dispute hinders and delays the final establishment of the treasury system. This circumstance is not favorable to the sale of government securities. The market is now affected by other adverse circumstances. We have had importations so excessive as to require a sudden and unusual addition of fifty per cent. to the imposts. Finally spring came again, and all the armies of the Union did not move as quickly as the dogwood tree flowered in the forest, and then there were reverses in Louisiana, disappointment of unreasonable anticipations in Mississippi, and surprises by raiders at Fort Pillow, on the Mississippi, and by a clumsy iron-clad at Plymouth in North Carolina. So there was discouragement, then apprehension, then despondency, and of course gold went up, and government stocks went down. As if to increase the panic, all these incidents occurred at the time when the Secretary of the Treasury had reduced the rate of interest upon permanent loans he was applying for, from six per centum to five per centum per annum. The public credit is maintaining a vigorous struggle, however, with its enemies. Congress is likely, at last, to agree upon and perfect the bank and revenue bills. The augmented tariff is checking importations. The campaign astonishes the country by its success, and promises a speedy end of the civil war; and the new loan, bearing only five per centum, is absorbed by the

country at the rate of nearly a million a day. So I feel myself authorized to hope that we shall safely stem and soon overcome the adverse fiscal currents at home, and, having done this, shall find smoother waters to float upon abroad.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES S. PIKE, Esq., &c., &c., &c.

Mr. Seward to Mr. Pike.

No. 156.]

DEPARTMENT OF STATE,

Washington, May 20, 1864.

SIR: Your despatch of the 4th instant, No. 131, has been received.* The information therein contained in regard to the internal affairs of the Netherlands is highly appreciated.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES S. PIKE, Esq., &c., &c., &c.

Mr. Pike to Mr. Seward.

No. 134.]

UNITED STATES LEGATION,

The Hague, May 25, 1864.

SIR: I have to acknowledge the receipt of your despatch of the 6th instant, No. 151.

A profound interest reigns everywhere in Europe over the intelligence brought by the two last mails from America.

The news of General Grant's advance into Virginia, and his apparently doubtful fortune, have alternately awakened the hopes and fears of every friend of the United States. The latest information by telegraph to the 14th only heightens the solicitude which has been painfully felt for so many days. Up to this point it does not seem clear whether General Grant will be stopped or go on.

The news by the Scotia, due the last of this week, is looked for with an interest hardly surpassed by any past epoch of the war.

I have the honor to be, with great respect, your most obedient servant,

JAMES S. PIKE.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington.

Mr. Pike to Mr. Seward.

No. 135.]

UNITED STATES LEGATION,

The Hague, June 1, 1864.

SIR: I have to acknowledge the receipt of your despatches of the 16th and 17th of May, Nos. 153 and 157, and of the highly interesting review of recent military events in the copy of your despatch to Messrs. Adams and Dayton.

The war news down to this date has had no effect upon our securities at Am-

sterdam, in any way. Our government stocks remain steady at the price they had fallen to a month ago. This fact may be taken as a criterion of the state of opinion in regard to the late military operations of General Grant, so far as they have yet been heard from.

Our dates are no later than those by the Scotia, which brought your despatches.

I have the honor to be, with great respect, your most obedient servant,

JAMES S. PIKE.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington.

Mr. Pike to Mr. Seward.

No. 137.]

UNITED STATES LEGATION,

The Hague, June 8, 1864.

SIR: The anxieties in regard to the military situation at home are not wholly relieved by the latest intelligence, notwithstanding General Grant's marked successes.

Grant has acquired a European reputation, and the sneers at military incapacity in America are ended. But the fact that General Sherman finds no enemy in Georgia leads to a suspicion that the entire confederate force is being concentrated to be thrown upon Grant, and that, however tenacious and indomitable he may be, there is danger that he may find himself suddenly overwhelmed by superior forces.

If this perhaps over-cautious suspicion shall be found to be groundless, very significant conclusions will be drawn as to the waning strength of the rebellion.

Meantime alarm and surprise are deeply felt over the financial situation. The continued issue of legal tenders, until they had reached near 700 millions on the 14th of May, and the consequent continued rise in the price of gold and of all commodities of commerce, while our six per cent. loans are quoted at from 6 to 12 per cent. above par, is a condition of things which is looked upon with astonishment by the European financier. Why this ruinous inflation should be permitted, when it is plain it could be remedied by a six per cent. loan, quite surpasses the comprehension of observers here. The opinion prevails that the apparent effort of Mr. Chase to save one per cent. of interest is costing him an enormous increase of the principal of his loans, and unnecessarily precipitating a financial convulsion of the most alarming character.

I beg you to believe it is with the deepest pain I report these criticisms, and the more so that they are accompanied with the expression of disappointed expectations and the profoundest fears of the result of Mr. Chase's apparent policy.

Affairs in Europe are unwarlike. The conference at London on the Dano-German question, though dragging but slowly along, yet gives promise of a settlement on the basis I suggested several weeks ago, namely, that of the severance of the whole of Holstein and the half of Schleswig from the Danish monarchy.

I have the honor to be, with great respect, your most obedient servant,

JAMES S. PIKE.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington.

Mr. Pike to Mr. Seward.

No. 138.]

UNITED STATES LEGATION,
The Hague, June 22, 1864.

SIR: I have to acknowledge the receipt of your despatch of May 30, No. 156.

The results of the views on our financial affairs, which I had the honor to record in my last, have been since seen in the rapid fall of our government securities at Amsterdam, from about 60 to 53, in little more than a week; a point much lower than they have ever touched before.

You will have heard before this reaches you the very gratifying news of the destruction of the Alabama by the Kearsarge.

At the suggestion of Mr. Dayton, I am trying to discover what Dutch persons have been purchasing the two corvettes built at Bordeaux for the rebels.

I do not believe these vessels will ever show themselves in Dutch waters before they are armed, yet I have called the attention of the government here to the subject.

I have the honor to be, with great respect, your most obedient servant,

JAMES S. PIKE.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Seward to Mr. Pike.

No. 163.]

DEPARTMENT OF STATE,
Washington, June 27, 1864.

SIR: The time seems to have come at last for you to go upon active service. For the purpose of information I give you a copy of three despatches which have been just now received from Mr. Dayton, and of my reply thereto of this date. It will be your duty to ascertain the truth about the sale of the two vessels, Yeddo and Osacco, which Arman, the ship-builder at Bordeaux, built for the insurgents, and now represents that he has sold, at their fair value, to a neutral, to be delivered in Amsterdam. It will be your first duty to take care that these vessels are not even despatched from a port in the Netherlands, or otherwise permitted to fall into the hands of the insurgents; and for that purpose, if necessary, you will address yourself to his Majesty's government. Further, if it shall become necessary, the Kearsarge, which is now in European waters, and the Niagara, which will soon be there, will be subject to your requisition. You will examine all the circumstances, and advise us whether, in your opinion, it will be needful to increase our naval force in the German ocean. The diplomatic correspondence, of which a copy is herewith sent you, will give you the substance of the representations which we have thought proper heretofore to address to the British and French governments against the equipment and clearing of hostile expeditions. You will draw from that source such arguments as you may have occasion to address to the government at the Hague.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES S. PIKE, Esq., &c., &c., &c.

[NOTE.—The enclosures above referred to are published elsewhere in this correspondence.]

Mr. Pike to Mr. Seward.

[Extract.]

No. 139.]

UNITED STATES LEGATION,
The Hague, June 29, 1864.

SIR: * * * *

I received information a few days ago from Mr. Dayton, at Paris, that one of the corvettes (the Yeddo) built at Bordeaux, and supposed to be for the rebels, left that port for Amsterdam on the 22d instant, the allegation being that the vessel had been purchased by an Amsterdam house. It is now one week since the ship left Bordeaux, but she has not yet arrived. It is my impression she did not put to sea with any intention of coming hither, if she is really intended for the rebels, though Mr. Dayton seems to be of a different opinion. The voyage ought to be performed in three or four days under steam. I have requested this government, in case any such vessel shall appear in Netherland waters, and a Dutch register be applied for, that it shall not be granted, nor the ship be allowed to leave under the Netherland flag, unless her owners shall first remove all suspicion that she is designed to make war on the United States. This government is well disposed towards us.

The London conference, you will have observed, after approaching, considering, and seemingly well-nigh adopting the plan of dividing Schleswig, as a basis of peace, have finally broken up without doing anything towards its restoration. Its proceedings are a sorry commentary upon the modern idea of settling national disputes by arbitration.

I have the honor to be, with great respect, your most obedient servant,
JAMES S. PIKE.

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Seward to Mr. Pike.

No. 164.]

DEPARTMENT OF STATE,
Washington, July 4, 1864.

SIR: I transmit, for your information, a copy of an instruction of the 2d instant, No. 599, which I have addressed to Mr. Dayton, and of the letter from the Secretary of the Navy of the same date, referred to therein, relative to the re-enforcement of our naval forces in European waters, and to the instructions given to Captain Winslow, of the Kearsarge, by Mr. Dayton, with a view to an encounter with the Alabama on the high seas.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES S. PIKE, Esq., &c., &c., &c.

[NOTE.—The enclosures above mentioned are published elsewhere in this correspondence.]

Mr. Pike to Mr. Seward.

[Extract.]

No. 140.]

UNITED STATES LEGATION,
The Hague, July 6, 1864.

SIR: * * * * *

It now appears that the two corvettes built at Bordeaux for the rebels, one of which was expected at Amsterdam last week, have been purchased by the Prussian government.

The day after my last despatch was written I received information that the Yeddo had arrived at the mouth of the Weser, and a few days later that the Osacca had been purchased for the same destination. I informed Mr. Dayton, and I suppose he had time to communicate the facts to you by the last mail.

A good deal of agitation exists in Europe over the failure of the London conference. There is now more apprehension of complications involving the peace of Europe than has existed at any time since the war broke out.

* * * * *

I have the honor to be, with great respect, your most obedient servant,
JAMES S. PIKE.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Seward to Mr. Pike.

No. 165.]

DEPARTMENT OF STATE,
Washington, July 11, 1864.

SIR: I have to acknowledge the receipt of your despatch of the 22d of June, No. 138, respecting the decline of our government securities at Amsterdam, and also as to your proceedings with regard to the two vessels built at Bordeaux for the rebels, and represented to have been sold to certain Dutch merchants, which are approved. You will already have received instructions in regard to these vessels.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES S. PIKE, Esq., &c., &c., &c.

Mr. Pike to Mr. Seward.

[Extracts.]

No. 143.]

UNITED STATES LEGATION,
The Hague, July 20, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch of July 4, with a copy of your despatch to Mr. Dayton, No. 599, and also a copy of a note of the Secretary of War in relation to our ships-of-war in European waters.

My reflections and observations here have led me to conclude that the rebels do not desire to send to sea more ships of the character of the Florida and Alabama. With the existing scarcity of our vessels on the ocean, there is little to encourage such piratical enterprises.

I do not doubt, however, that the rebels are struggling to get some iron-clads afloat, which will enable them to break the line of our blockade, or to retake New Orleans, &c. The class of ships we have here would not interfere with such a design. The Niagara and Sacramento are at Antwerp; Commodore Craven, of the Niagara, informs me he is without orders.

I have heard nothing more of the remaining corvette built at Bordeaux, the Osacca.

The fact that the Yeddo, though kept from the hands of the insurgents, (perhaps voluntarily sold by them,) has been allowed to pass into the possession of a belligerent in Europe, engaged in a war against a power with whom France is at peace, affords serious grounds for suspicion that the rebels may yet obtain iron-clads from French ports. * * *

Your telegraph in relation to the purchase of the corvettes reached me through Mr. Dayton.

I have the honor to be, with great respect, your most obedient servant,
JAMES S. PIKE.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

[NOTE.—The enclosures above referred to are published elsewhere in this correspondence.]

Mr. Seward to Mr. Pike.

No. 168.]

DEPARTMENT OF STATE,
Washington, July 26, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch of July 6, No. 140.

Information, derived from other sources, confirms your statement that the vessels built by Arman for the insurgents have passed into the hands, if not of a neutral power, of subjects of such a power, and that they will not be likely to be employed against the United States. I congratulate you upon your escape from the responsibility concerning them.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES S. PIKE, Esq., &c., &c., &c.

Mr. Seward to Mr. Pike.

No. 171.]

DEPARTMENT OF STATE,
Washington, August 8, 1864.

SIR: Your despatch of July 20, No. 143, has been received. I learn from it that you are by no means free of apprehension that the insurgents may yet get in French ports iron-clads adapted to open New Orleans or break the blockade, and you observe that the ships-of-war we have in European waters are not well calculated to prevent such a proceeding. I have cause to believe that the French government will suffer no armed iron-clads or other ships-of-war to go out of French ports to make war against the United States, and that our naval force in Europe would be useful in hindering the departure of not only armed wooden vessels but also of unarmed iron vessels. It is important for us to know to what extent the remaining of that naval force is advantageous, and I hope

therefore, that you will seek an opportunity informally to confer upon this question, not only with the commanders of these vessels but also with our representatives at London, Paris, and Brussels, and communicate to me the result of the conference. Your special expenses in performing this duty will be paid.

I give copies of this despatch to the ministers concerned.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES S. PIKE, Esq., &c., &c., &c.

Mr. Pike to Mr. Seward.

No. 146.]

UNITED STATES LEGATION,

The Hague, August 24, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch of the 28th of July, No. 169, and that of the 1st of August, No. 170, covering copy of a despatch to Mr. Adams in regard to the military situation. The mail of yesterday brings yours of the 8th of August, No. 171. I observe your directions in the despatch of the 8th, which I shall take measures to obey as soon as I can learn in what way I can best reach the commanders of the ships.

I have the honor to be, with great respect, your most obedient servant,

JAMES S. PIKE.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

[NOTE.—The copy of despatch to Mr. Adams above referred to is published in this correspondence as No. 1056.]

Mr. Pike to Mr. Seward.

No. 147.]

UNITED STATES LEGATION,

The Hague, September 6, 1864.

SIR: I have to acknowledge the receipt of your despatch of August 15, No. 173, covering copy of despatch to Mr. Dayton on the military situation.

Since my last the Niagara and Sacramento have arrived at Flushing, where I have visited them.

I shall leave to-day to discharge the remainder of the duty you have requested me to perform.

Within two or three days we have had the Osacca at the Texel, with some doubt as to her intentions. She has at length departed for Bremerhaven, at the mouth of the Weser, under Prussian colors.

I have the honor to be, with great respect, your most obedient servant,

JAMES S. PIKE.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

[NOTE.—The despatch to Mr. Dayton above referred to is published elsewhere in this correspondence.]

Mr. Pike to Mr. Seward.

[Extracts.]

No. 148.]

UNITED STATES LEGATION,
The Hague, September 22, 1864.

SIR :

Since I received your directions to confer with the ministers at Brussels, Paris, and London, and with the commanders of our naval vessels in these waters in regard to the naval force required here, I have visited the Niagara and Sacramento, and have likewise consulted our ministers above named on the subject. I did not see the commander of the Iroquois before he left for his distant station.

Another thing that I believe is deemed, on all hands, to be requisite to an efficient service here, is to have our ships formally placed under one commander, so that unity of action may be secured when needed. This arrangement would devolve a responsibility of oversight over the whole field, which does not now exist.

The war vessels which are being constructed in France by private builders, some iron-clad and some not, are a standing menace to us, and should be objects of constant watchfulness.

The fall of Atlanta, and the successes at Mobile, have produced a powerful sensation in Europe.

Since the news, our government stocks have taken a sudden bound upward, and the cotton loan of the rebels has had a corresponding fall.

The events are regarded as being paralleled in significance during the war only by the capture of New Orleans.

I have the honor to be, with great respect, your most obedient servant,
JAMES S. PIKE.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Pike.

No. 183.]

DEPARTMENT OF STATE,
Washington, September 23, 1864.

SIR: I have to acknowledge the receipt of your despatch of the 6th of September, No. 147, in which you inform me of your visit on board the Niagara and Sacramento, which vessels have arrived at Flushing. You further remark that the Osacca had appeared at the Texel, that much doubt existed as to her intentions, and that she finally departed for Bremerhaven under Prussian colors.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES S. PIKE, &c., &c., &c.

Mr. Pike to Mr. Seward.

No. 150.]

UNITED STATES LEGATION,
The Hague, September 28, 1864.

SIR: I have the honor to enclose you a copy of the King's speech, delivered on the opening of the legislative chambers here, on the 19th instant, of which the following is a translation.

I have the honor to be, with great respect, your most obedient servant,
JAMES S. PIKE.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington.

—
[Translation.]

GENTLEMEN: It is with extreme gratitude to Divine Providence that, in opening the present legislative session, I am able to announce to you that the condition of the country may be considered generally satisfactory.

Our relations with foreign powers continue on the most favorable footing.

The land and naval forces of the mother country, and in our colonial possessions, continue to afford me reason for satisfaction.

Although the condition of our East India possessions is in many respects satisfactory, I deeply regret that a violent epidemic has committed ravages in Java, and it is my most ardent desire to hear soon that this malady has ceased to afflict that colony.

The results of the emancipation of the slaves in our West India colonies are not unfavorable, if compared with those which an analogous measure has entailed elsewhere.

The administrative regulations of the government of the colonies of Surinam and Curaçoa will be again submitted to you for deliberation.

I shall have recourse to your assistance in the establishment of the tariffs of import and export duties, and of transit dues, to be introduced in the Netherland Indies, and to regulate various questions affecting industrial and agricultural enterprises there.

Great developments are taking place in public works. The corps of the engineers of roads and bridges fulfils, with laudable zeal, duties which have of late acquired great extension. A revision of this important branch of administration, to conform to existing exigencies, has been prepared.

The construction of the State railway is being regularly continued. The returns from those portions open to traffic exceed previous calculations. Conventions for the connexion of our railways with foreign lines have been concluded with the neighboring states. New concessions will give the Netherland network of railways an extension which will require fresh labors upon the roads and at the maritime ports.

I observe with much satisfaction that the execution of the law for middle-class education is everywhere received with lively interest and frank co-operation.

The results of the harvest have proved better than was at one time expected. The returns from the deep-sea, river, and coast fisheries have been good; but many lives have unfortunately fallen victims to storms.

Our trade continues in active development.

Although the state of war in which several countries are engaged may have exercised an unfavorable influence upon commerce, it is satisfactory to observe that ship-building is on the increase among us.

Bills regulating medical supervision, the commercial guards, and military quarters, will be again laid before you.

The bill for the code of examination in criminal cases, which is intended to replace the code now in operation, will also be submitted to you for deliberation.

The state of our finances will allow of provision being made for the requirements of the public service, and for continuing the redemption of the public debt.

Bills for the complete suppression of the city tolls, and for other undertakings of a financial character, will be laid before you during the present session, as well as bills regulating the method of keeping the accounts of the national finances.

May the important labors to which the present session summons us tend, under God's blessing, to the great prosperity of the country.

I declare the ordinary session of the States-General open.

Mr. Pike to Mr. Seward.

[Extract.]

No. 151.]

UNITED STATES LEGATION,
The Hague, October 10, 1864.

SIR : * * * * *

There has never been a time since the war began when the current of public opinion in Europe was setting so irresistibly towards the conclusion that the rebellion must succumb as it is doing now.

I have the honor to be, with great respect, your most obedient servant,
JAMES S. PIKE.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Pike.

No. 190.]

DEPARTMENT OF STATE,
Washington, October 19, 1864.

SIR : Information has been received at this department in regard to the alleged enlistment of several thousand Poles for the insurgent military service, and to arrangements effected to run them through the blockade. I transmit for your perusal a copy of a communication of the 7th instant from the United States consul at Halifax relative to this matter,* and will thank you to exercise your accustomed vigilance in endeavoring to prevent the consummation of the scheme, and in reporting any information on the subject which you may obtain.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES S. PIKE, Esq., &c., &c., &c.

* See No. 1130, 19th October, 1864, to Mr. Adams, printed elsewhere in this correspondence.

Mr. Pike to Mr. Seward.

[Extract.]

No. 153.]

UNITED STATES LEGATION.

The Hague, November 2, 1864.

SIR :

Since the taking of Atlanta by General Sherman, there has been a marked change in the public sentiment of Europe in regard to our affairs. Previous to that period the conviction had become general that the last strongholds of the rebellion, Richmond, Charleston, and Atlanta, were strong enough to defy the assaults and the strategy of the federal arms. This judgment was everywhere ostentatiously promulgated.

The unexpected fall of Atlanta suddenly destroyed the illusion, and the public judgment on the whole subject fell to pieces. Since then it has little by little been centering itself on another and quite opposite view, which the recent accounts of the campaign of General Sheridan in the Shenandoah valley tend strongly to confirm. This is, that the greatly preponderating weight of the loyal States is at length under skilful generalship, and that the rebellion is too much exhausted to withstand it. The favorite form of doubt about the success of the government now is, that, while it is admitted to be probable its armies will overrun and occupy the seceding States, insuperable difficulties to their pacification will still be found.

This, you perceive, is a vast contraction of the line of argumentation here against the prosecution of the war. It is, in fact, a retreat to a position seen to be untenable by all, even by those who occupy it, since it is equivalent to a denial that in war the conquered party does not submit, and that we have no statesmanship to deal with results which war achieves.

We have here a fresh illustration that our victories over the moral hostility of Europe keep exact pace with those of our armies in the field over the rebels. In war we know that argumentation becomes of small account, whether at home or abroad. The sword settles all. Especially is it the only thing which will settle the stilted penny-a-lining with which our cause has been assailed in Europe ever since the beginning of our struggle. Every time our generals defeat a column of the enemy at home, they annihilate many columns of the same enemy over here.

The general aspects of the European world are peaceable. Elements of disturbance there are as usual, but they are less numerous than common. The Danish question, the Roman question, and the Polish question, all of which have been so long threatening the public peace, are disposed of on terms that are accepted by the leading powers, if not satisfactory to them; and thus the present danger of war in Europe from these causes has disappeared.

The commercial world is undergoing a violent shock, attended with much disaster and many apprehensions. The cotton question, after slumbering for a year or two, reappears to aid the disturbance, of which it did much to lay the foundation. The fall in its price has demolished many fortunes erected on its rise. This, acting with the collapse of extensive commercial and industrial speculations of every possible nature, fomented by the establishment of an extraordinary number of joint-stock companies, invading every branch of trade and industry, has thrown mercantile and financial affairs into a confusion, of which the issues are not yet clearly perceived.

The great abundance of the resources of commerce, now capable of such rapid concentration, and the full and still rapidly increasing supply of the precious metals, may be expected, however, to aid powerfully in the rapid restoration of affairs to a healthy condition. Money, though exceptionally high in price, was

never so plentiful, and financial disaster, therefore, under these new conditions, cannot soon again be so sharp or so long continued as when the supply was restricted to a half of what it now is. The same consideration promotes, also, a cheerful view of our own national finances.

The mercantile rate of interest in Europe is now hardly less than nine per cent., while our government bonds still command an almost unlimited supply of capital at about twelve per cent. If the loyal States would close up their political divisions, and unitedly put their shoulders to the wheel to crush the evidently tottering rebellion, we could probably borrow what money we want to borrow in Europe as cheap, under a judicious administration of our finances, as the merchants get it. The distrust occasioned by these divisions costs us the difference we are now paying.

I have the honor to be, with great respect, your most obedient servant,
JAMES S. PIKE.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Pike to Mr. Seward.

[Extracts.]

No. 154.]

UNITED STATES LEGATION,
The Hague, November 16, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch of the 19th of October, No. 190, enclosing a copy of communications from the United States consul at Halifax, in relation to the enlistment of Poles for the insurgent military service. I place little reliance on the report, though it has appeared some time since in the European journals.

* * * * *

The intelligence that the rebels propose to arm their slaves confirms the impression made in Europe by the fall of Atlanta, that their present military strength is nearly exhausted. This extraordinary movement is not taken as a prognostic of the success of the rebellion.

I have the honor to be, with great respect, your most obedient servant,
JAMES S. PIKE.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Pike.

No. 196.]

DEPARTMENT OF STATE,
Washington, November 18, 1864.

SIR: Your despatch of the 2d instant, No. 153, relative to the effect of the recent successes of our armies in the field upon the public sentiment of Europe, has been received, and is highly appreciated. In view of the importance of the subject and of the able manner in which you have treated it I have submitted your despatch to the favorable consideration of the Secretary of the Treasury.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES PIKE, Esq., &c., &c., &c.

CORRESPONDENCE WITH THE NETHERLANDS LEGATION IN
THE UNITED STATES.*Mr. Van Limburg to Mr. Seward.*

[Translation.]

NEW YORK, *September 9, 1864.*

SIR: As my government takes much interest in making known generally what is being done in the Netherlands to disseminate the knowledge of the Chinese and Japanese languages, and as it is pleased to believe that it is not a matter without interest to scientific men to learn that the opportunity exists in the Netherlands to have works printed in the Chinese and Japanese characters from the matrices in use in that country, it is by its order that I have the honor to cause to be transmitted to you herewith a collection of Chinese characters, with a Dutch and English text, printed at the expense of the government of the King, under the supervision of Mr. Hoffmann, a professor at Leyden; and likewise a catalogue, accompanied by an explanatory report to the Royal Academy of Sciences, both written by the same learned man (*savant*) and comprising a part of the Chinese publication aforementioned.

Be pleased, sir, to accept the reiterated assurances of my high consideration.
ROEST VAN LIMBURG.

HON. WILLIAM H. SEWARD,
Secretary of State of the U. S. of A., Washington.

Mr. Seward to Mr. Van Limburg.

DEPARTMENT OF STATE,
Washington, September 22, 1864.

SIR: I have the honor to acknowledge the receipt of your note of the 9th instant, informing me, under the liberal instructions of the government of his Majesty the King of the Netherlands, that the opportunity exists in the Netherlands to have works printed in Chinese and Japanese characters from the matrices in use in that country, and transmitting to me a collection of Chinese characters with a Dutch and English text, printed at the expense of the government of the King, under the supervision of Mr. Hoffmann; and likewise a catalogue, accompanied by an explanatory report to the Royal Academy of Sciences, both written by the same learned man.

In reply, I have the honor to inform you that this information and the interesting publication will be so disposed of as to be accessible to scientific men in the United States; and I must beg of you, sir, to convey to his Majesty's government an expression of my grateful acknowledgments for the same.

I have the honor to be, with the highest consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

Mr. ROEST VAN LIMBURG, &c., &c., &c.

Mr. Van Limburg to Mr. Seward.

[Translation.]

NEW YORK, *October 27, 1864.*

SIR: Among the questions which at present interest those governments whose geographical position imposes on them the desire to organize a fleet

which may at need defend their coast, there is found in the front rank that of the construction of iron-clads. The government of his Majesty would attach much importance to a knowledge of the results which the naval authorities of the United States have obtained in this matter, and the construction finally which the government of the United States, enlightened by experience, judges to be preferable for this class of vessels.

If I do not deceive myself, the two American monitors, *Mahopac* and *Dictator*, which have lately been launched, both represent, the last in a larger scale than the first, the system which appears to be of the latest adoption. It is only the great obligingness of the government of the United States, and your extreme kindness, sir, which give me hope not to hazard in vain the respectful application to obtain some information that will enable me to give the royal government the advantage of the experience so gloriously obtained here, and I shall be very happy if your kind intromission should enable me to obtain the plans on which these steamers were constructed, as well as the data which give exactly their dimensions, the mode of armament, their equipment, interior arrangement, and the machinery which serves to manœuvre them. * *

I avail of this fresh occasion, sir, to reiterate to you the assurances of my very high consideration.

ROEST VAN LIMBURG.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Limburg to Mr. Seward.

[Translation.]

NEW YORK, *November 15, 1864.*

SIR: The government of the King has just instructed me to submit to the most serious consideration of the government of the United States the grave causes of complaints which have been given at the port of New York to a large number of captains of merchant vessels and to several Netherland ship-owners.

There has been forwarded to me a document, drawn up and signed at New York, on the 21st of July last, by L. Van Geelkerke, captain of the ship *Delft*; G. G. Leori, captain of the ship *Samhiri*; B. J. Fergast, captain of the ship *Nederwaard*; H. A. Harms, captain of the ship *Elizabeth*; J. de Veer, captain of the ship *Christina Maria*; A de Boer, captain of the ship *Elizabeth*; K. Blonpot, captain of the *Syne Jacobs*; H. W. Koetse, captain of the *Fennechiena*; D. Van Amerongen, captain of the *Catharina Maria*; J. Klein, of the *Picterdina*; J. Snock, of the *Wilhelmina*, all declaring to have been put to great difficulty in consequence of the desertion of their seamen, who, from their arrival in the waters of the United States, were tampered with, on board even of their own vessels, by numerous kidnappers, who rushed on board of them without any respect for the foreign flag or the authority of the captain; tempting the seamen by bounties and high wages; seducing or stupefying them with intoxicating liquors; menacing the captains with violence should they land, and frequently with the revolvers which they held in their hands. They there represented and exercised a system of barbarity which certainly would not be tolerated by the government of the United States. On several occasions, when the captain, in order to prevent desertion, had caused the chests of the seamen to be placed in his cabin, the kidnappers took them away by force; and when our consul general addressed himself to the American authorities, he was unable to obtain any efficacious suppression.

On one occasion it was answered him that the captain only had to cause himself to be respected; that he only needed to blow out the brains of whomsoever against his consent should come on board his vessel, and should there commit acts of violence. The government of the United States would doubtless regret, as much as myself, similar extreme measures. I am convinced that it shares my opinion, that they should be avoided; that in every civilized country the just and lawful suppression of kidnapping and violence must be exercised by the authorities of the country, and should not be abandoned to the individuals themselves.

The ship-owners of Rotterdam, Woogerand, Weldervank, and Veedam, Messrs. Rouche & Co., W. G. Ledebver, Van Overgee, H. & S. Kroner, De Boer, and Vander Goot, who addressed themselves by petition to the minister for foreign affairs, declare that unless there be an energetic suppression thereof on the part of the authorities of the United States, the commerce of the Netherlands should cease with New York; and they insist upon it, with the government of the King, that, in the unexpected event of a refusal of justice, the vessels of the United States shall not be admitted to enjoy, in the ports of the Netherlands, the rights and advantages which the vessels (commerce) of the Netherlands should find refused to them in American ports.

I am convinced that it will only be necessary to bring these grave abuses to your knowledge, sir, in order that the just government of the United States may induce the competent authorities to protect our merchant vessels against any future invasion from the tamperers and kidnappers, and cause all those who should board them, in spite of the captain, to be severely punished; to cause those to be dealt with agreeably to the full rigor of the laws who shall bring about the desertion of our seamen, a crime in itself quite as reprehensible as the invitation to desert the American flag, and which no government would be willing to cover with its protection.

According to our treaty of commerce and navigation with the United States, concluded at Washington on the 19th of January, 1839, article third, we have the right to ask for our consuls (as we accord it with us to the consuls of the United States) "protection and assistance as may be usual and necessary for the duly exercising of their functions, in respect also of the deserters from the vessels (whether public or private) of their countries."

Hence our captains complain that, far from finding protection and assistance in the port of New York, desertion is there tolerated, if not favored; that in order to have deserters arrested and imprisoned, they have to incur such high expenses that ordinarily they prefer to desist from their pursuit. This inconvenience is indeed grave, but it has been borne with patience. It may be that foreigners have not the right to expect a gratuitous interposition from the police to recover and keep seamen deserting. But what does seem undoubted is, that our captains must be shielded from the invasion of their vessels by tamperers and kidnappers, who come to induce desertion, and lend to it violence—main force.

I flatter myself, sir, that this unpleasant reclamation will be met by the government of the United States, and particularly by you, Mr. Secretary of State, whose obliging and just spirit towards foreigners is known and appreciated, with all the consideration which the grave facts which have rendered it necessary deserve; and that I shall soon be enabled, through your kindness, to communicate to the government of the King the measures which will be adopted to protect our vessels, reassure our captains and ship-owners, and render possible the continuation of our ancient commerce, and peaceful navigation with the United States.

I have the honor, sir, to renew to you the assurances of my very high consideration,

ROEST VAN LIMBURG.

Hon. WILLIAM H. SEWARD, *Secretary of State, &c., &c., &c.*

Mr. Seward to Mr. Van Limburg.

DEPARTMENT OF STATE,

Washington, November 19, 1864.

SIR: I have the honor to acknowledge the receipt of your note of the 15th instant, calling my attention to certain complaints which have been made by a number of Netherland ship-owners and captains of merchant vessels, relative to outrages alleged to have been committed upon the crews of these vessels in the port of New York. In reply I have the honor to state, that the transactions thus complained of are entirely new to this government. With regard to what has already transpired, it appears that the statement makes no mention of persons, dates, or other circumstances necessary to enable this government to institute judicial examination; if you will favor us with them, the attention of the proper officers will be directed towards bringing the offenders to punishment. On the other hand, in the event of a recurrence of proceedings of the character above referred to, it becomes the duty of the legal officers and magistrates to prevent aggressions, and protect strangers engaged in lawful commerce. In doing this they are entitled to the co-operation of revenue officers; and also, in this case, of military and naval authorities who are engaged in recruiting. I beg to assure you that all needful instructions will be given to these classes of officers to prevent a recurrence of the evils of which you complain.

Accept, sir, a renewed assurance of my high consideration.

WILLIAM H. SEWARD.

MR. ROEST VAN LIMBURG, &c., &c., &c.

Mr. Van Limburg to Mr. Seward.

[Translation.]

NEW YORK, *November 22, 1864.*

SIR: I have had the honor to receive your obliging note, dated the 19th of this month, in answer to my letter of the 15th, relative to complaints which many of our captains and owners have made to the royal government on the conduct of the kidnappers and crimps who came on board their vessels in the port of New York. I will hasten to communicate it to the minister of foreign affairs, and, saving ulterior instructions from him, I now make it my duty to thank you for the promptitude with which you have met my inquiry, and lent your good offices to the end that efficient measures may, in future, guarantee our vessels from intrusion, and from the kidnapping in question.

I have the honor, sir, to repeat to you the assurances of my high consideration.

ROEST VAN LIMBURG.

HON. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

CHINA.

Mr. Burlingame to Mr. Seward.

No. 53.]

LEGATION OF THE UNITED STATES,
Peking, November 4, 1863.

SIR: I had the pleasure, in despatch No. 52, to inform you in relation to the translation of Wheaton. I have now the honor to inform you that the Chinese government have employed our countryman Raphael Pumpelly, of Owego, N. Y., to make a scientific exploration of the country near Peking, with particular reference to the discovery and development of coal mines. Mr. Pumpelly has completed his engagement with the Japanese government of a like nature, and was on his way home, via Mongolia and Russia. It occurred to me to make an effort in the interests of science, on his behalf, with the Chinese government.

I found, in a conversation with Sir Frederick Bruce, the British minister, that he would have an interview with Wansiang the day following our conversation. Fortunately, the idea had entered Sir Frederick's mind, and he was but too happy to aid me in getting Mr. Pumpelly in. He mentioned it to Wansiang, who immediately called upon me and had an interview with Mr. Pumpelly. I subsequently accompanied Mr. Pumpelly to the foreign office, where the whole affair was arranged. Sir Frederick kindly permitted Mr. Murray, a most accomplished young gentleman and government student, to accompany Mr. Pumpelly as interpreter. They set out in company, with and under the protection of military and civil mandarins, with letters to the officials in the interior. I learn by letters that everywhere they have met with kindness from the people. Thus Mr. Pumpelly has the singular satisfaction of being the first man employed by the Chinese government to carry the light of his branch of science into the hitherto unexplored mines of China. He is well fitted for the enterprise. He is young, modest, and capable. He was most thoroughly educated in Germany, after which he explored the silver mines of Arizona, and then, upon the recommendation of the eminent geologist, Mr. Whitney, of California, was appointed to make a survey of the island of Yedo, in Japan.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

HON. WILLIAM H. SEWARD,
Secretary of State.

Mr. Burlingame to Mr. Seward.

No. 54.]

LEGATION OF THE UNITED STATES,
Peking, November 5, 1863.

SIR: The accompanying enclosures relate to a proposition on the part of the Chinese government to modify Art. XIV of the American treaty, which they think bears hardly on our citizens in some of its applications; and I have the honor to bring the subject to your notice, with one or two remarks.

It grew out of a complaint made to this government by its officers at Shanghai, (enclosure A,) that it was a common practice of American shipmasters to present false manifests of their cargoes, and that the consuls were unable or

unwilling to remedy it. I replied to this allegation, (enclosure B,) that it was necessary to state particulars; but deemed it pertinent to their despatch to mention the judgment given in two cases of violations of regulations, in order to show them that our consuls did what they could to maintain the laws over American citizens.

To this Prince Kung replied (enclosure C) with a suggestion to modify the XIVth article of the American treaty, so as to conform the penalty for presenting false manifests to that laid down in the British treaty. His reasoning seemed to me just, and the proposal indicated more thoughtfulness than I had looked for, and a desire to harmonize the diversities found in the treaties. I accordingly agreed to the suggestion (enclosure D) until a reference could be made to the government at Washington, and have already issued a notice to the consuls to this effect, (enclosure E.)

I submit the question for your consideration, with the respectful request that instructions may be furnished me, so that I may inform the Chinese officials.

I have the honor to be, sir, your most obedient servant,

ANSON BURLINGAME.

HON WILLIAM H. SEWARD,
Secretary of State.

A.

Prince Kung to Mr. Burlingame.

Prince Kung, chief secretary of state for foreign affairs, herewith sends a communication.

A despatch has been received from his excellency Li, superintendent of commerce at Shanghai, as follows:

"I have been informed by the intendent of circuit at Shanghai that Mr. Macpherson, acting collector at that port, has written to him, stating that it is the common practice of masters of American ships at that port to present false manifests of cargo, nor will the United States consul pay any attention to this fraudulent conduct of the shipmasters. If they continue to act thus, measures should be taken to deal strictly with them in order to put a stop to this loss and injury, and I request you to inform the United States consul, that he may attend to the matter.

"The intendent thereupon wrote to Mr. Consul Seward respecting it, who replied, 'the presentation of false manifests is a great evil, and is practiced to some extent, but until I have reported the question to the United States minister at Peking I cannot levy any fines.' I accordingly refer the whole subject to the foreign office for instructions how to act in such cases."

On receiving the above despatch I examined the treaty, and find that the XIVth article provides: "That any citizen of the United States who shall trade in any contraband article of merchandise shall be subject to be dealt with by the Chinese government, without being entitled to any countenance or protection from that of the United States." The XXIst article further stipulates: "That if the superintendent of customs, on examination, shall detect any fraud on the revenue in the case, then the goods shall be subject to forfeiture and confiscation to the Chinese government."

Now, it is both a fraud and a loss of revenue to present a false manifest; and as the consul knew that the detriment was great he ought to have aided the collector and carried out treaty stipulations, and by inflicting the punishment to have deterred others from like practices. Moreover, his excuse that he could

not punish the delinquent because he had not yet reported the matter to the United States minister was an evasion of duty far from an honorable and straightforward course.

In addition to sending this despatch to your excellency and orders to Li, the superintendent of commerce, that he may inquire into the matter and settle it, I likewise request that you will enjoin on all the American consuls that whenever a case of presenting false manifests comes before them they will strictly carry out the full stipulations of article XIV of the treaty about clandestine trade, and also of article XXI respecting frauds on the revenue.

It is to this end that I write, and in the hope of receiving a reply.

His Excellency ANSON BURLINGAME,

United States Minister.

September 22, 1863, Tungchi 2d year, 8th moon, 10th day.

B.

Mr. Burlingame to Prince Kung.

LEGATION OF THE UNITED STATES,

Peking, October 5, 1863.

SIR: I have the honor to acknowledge the despatch of your imperial highness of September 22, in which you inform me of the practice of masters of American ships presenting false manifests, and that the consuls would not interfere to remedy the evil, &c., &c.

As this despatch indicates no names, nor specifies the dates or kind of property, I have no data on which to instruct the consuls to act, nor have I heard before of this practice of rendering false manifests. But in respect to the suggestion to enjoin United States consuls to observe treaty stipulations I beg to enclose a copy of a correspondence with the consul at Shanghai respecting a case of infringing the Yangtsze regulations, from which you will perceive the desire on our part to strictly enforce the rules.

In August last he wrote as follows: "The firm of Frazar & Co. had bought two native boats which were sent up the Yangtsze river with cargo to the open ports, but at the end of the three months, which the regulations require as the limit at which the shipping permit is to be returned, they did not present the one for these boats, but said that if required they could bring evidence that the goods had entered the customs.

"The firm of Leighton & Co. sent a vessel up the Yangtsze with cargo, whose permit was in like manner not returned in time, but was handed in at the Shanghai custom-house after the three months. Now, both of these were cases of infringement of the regulations, though one returned the permit and the other did not. They have stated their cases to me, and, so far as I can see, the one overpassed the time and the other lost the permit; they were not engaged in smuggling, and might be released from the fine.

"The customs officers said the merchants were not smuggling, but still had broken the regulations, and should be fined fifty taels each for their offence instead of five hundred. This was reported to me and I confirmed the decision, but it appears that the two firms resist this judgment, and refuse to pay the fine because they had not been smuggling. The customs officers maintained, however, that this infraction of the regulations caused them much inconvenience; I have, therefore, deemed it best to report the two cases for your decision, for this violation of the regulations and refusal to pay the fines are against all order."

On receiving this report and perceiving that the conduct of the two firms, in

refusing to pay the mitigated fine of the customs officers, indicated great disregard of the Yangtze regulations, I immediately directed the consul at Shanghai to adjudicate the cases according to the strict letter of the regulations, and levy the fines as therein stated. From this statement your imperial highness will perceive that the United States consuls are zealous in carrying out all the regulations respecting the trade on the Yangtze river.

As to what is said in the despatch under reply about rendering false manifests, and the indifference of the consuls about attending to the matter, you will perceive from this that all the officers of the United States regard the treaty as of the highest importance. There is not, therefore, at present any need of enjoining this matter upon them, as they already know their duties and desire to fulfil them.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

His Imperial Highness Prince KUNG, &c., &c., &c.

C.

Prince Kung to Mr. Burlingame.

Prince Kung, chief secretary of state for foreign affairs, herewith sends a communication.

On the 2d instant I received your excellency's reply to my previous despatch respecting the common practice of American merchants presenting false manifests, and my request that instructions might be sent to the United States consuls to carry out the provisions of the XIVth article of the treaty respecting smuggling, in which you say that as no names are mentioned, or the time or sort of goods indicated, there are no data to act on, and it is difficult to send specific orders to remedy it. In this reply a letter from the consul is copied, and particulars are given respecting the violation by the firms of Frazar & Co. and Leighton & Co. of the limit allowed for returning a permit, and of the fine imposed on them, all of which I fully understand.

I have ascertained that the injurious practice of rendering false manifests is not confined to one port or one nation. If an English ship does it her master is fined five hundred taels, according to the XXXVIIth article of the English treaty; but if the offender be an American the provisions of article XIV of his treaty must apply to the case, and the Chinese officers be allowed to deal with it without his being entitled to any protection from the officers of the United States. Therefore, in all such cases, when the offender is an American, the penalty is not one of a fine at all, and yet it is an offence deserving of punishment. If, however, it is only lightly fined, it will be dealt with differently from what the English treaty requires, and the merchants of the two nations will not then be treated alike. Furthermore, the laws of China are strict, and if an American merchant merely smuggles, and no other crime is involved in the act, there is no mode of arriving at an equitable decision in the case, while the penalty [of his own treaty] seems to be too severe.

While I desire to observe all the provisions of the treaty most carefully, I still think that a more equitable law respecting this matter might be settled, so that the American merchants be not fined too heavily, and it is for this purpose that I now address another communication to your excellency upon this matter.

I propose the question for you to consider, when the American merchants present false manifests of cargo they shall be punished according to article XIV of their own treaty, and be dealt with by the Chinese officers alone, or be fined five hundred taels, according to the provisions of the English treaty, and

thus all parties be placed upon the same footing. I hope that you will examine this proposal and decide on the point, so that orders may be sent to the several consuls directing them how to act in such cases.

As to the cases of Messrs. Frazar & Co. and H. Leighton & Co., let them be punished by fine, according to the Yangtze regulations, as their vessels and property may have been valued.

His Excellency ANSON BURLINGAME,
United States Minister.

October 16, 1863, Tungchi 2d year, 9th moon, 3d day.

D.

Mr. Burlingame to Prince Kung.

LEGATION OF THE UNITED STATES,
Peking, October 21, 1863.

SIR: I beg to acknowledge the receipt of your imperial highness's despatch of the 16th instant, in which you remark that the presentation of false manifests is not confined to any nation, nor to any one of the ports. If an Englishman is convicted of this offence, the thirty-seventh article of the British treaty provides that it be punished by a fine; but in case of an American committing it, his treaty brings it under article fourteen, wherein it is stipulated that all such cases shall be punished by the Chinese government, &c. It appears, therefore, that offences of this description are decided by a different rule from the English; and I wish to express my thanks for the thoughtfulness herein exhibited in that, while desirous of carefully observing all treaty stipulations, you still think that a more equitable rule can be made whereby American merchants shall not be mulcted more heavily than others. It is clearly the most equitable mode of disposing of such cases.

The consuls of the United States in China will, therefore, for the present, decide all cases of presenting false manifests of cargo in conformity to the provisions of article thirty-seven of the British treaty; but in respect to adopting this as a permanent modification of the fourteenth article of the United States treaty, it will be necessary first to represent the circumstances and argument of your present despatch upon the subject to the government at Washington. When I have received a reply I will communicate further upon the matter.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

His Imperial Highness Prince KUNG, &c., &c., &c.

E.

Notice to the consuls in China.

LEGATION OF THE UNITED STATES,
Peking, October 22, 1863.

SIR: The United States minister having been in consultation with his Imperial Majesty's ministers respecting the penalty to be levied under the treaty of Tientsin for presenting false manifests of cargo, it has been agreed between them that, pending a reference to Washington, the fourteenth article of the said treaty shall be defined in this respect and for this offence by the last sentence

of article thirty-seven of the British treaty, and the legal penalty on conviction shall be a fine of 500 taels.

I am directed to make known this modification of article fourteen of the American treaty for your guidance and the information of American citizens.

By order:

[SEAL.]

S. WELLS WILLIAMS.

To ———, United States Consul at ———, &c.

Mr. Burlingame to Mr. Seward.

No. 55.]

LEGATION OF THE UNITED STATES,
Peking, November 6, 1863.

SIR: I have the honor to forward to you several documents relating to the wrecks of American vessels on this coast and my action thereon; they would have been sent sooner had I not expected some definite information respecting the loss of the Kien-wan.

The first (enclosure A) is my reply to Charles Nelson, giving my reasons for declining to bring his claim for indemnity for his losses to the notice of the Chinese government. He estimated his personal losses at \$2,622, but nothing has yet been presented to me on account of the ship and cargo by the owners or underwriters.

The second (enclosure B) is a similar answer addressed to O. B. Bradford, esq., the United States vice-consul at Amoy, giving my reasons for not presenting the claim of Frank J. Luders for losses sustained by him and others to the amount of \$18,000 by the wreck of the brig Askanderia on Formosa. These two letters contain the principal facts about both these wrecks, so that I do not send more; and I refer to them as containing my reasons for not demanding indemnity of this government for losses sustained thereby, and I hope you will approve the grounds for so doing. The subject is a difficult one to settle satisfactorily, but the conduct of the Chinese officers on occasions of wrecks is in general humane. Wrecks are frequent along this coast, and some of them are attended with much suffering. In most cases the lives of the unfortunate crews are safe, even if their vessels and cargoes are plundered, however, and the ruthless wreckers themselves are restrained from killing the men by a fear of condign punishment.

I am informed that when the thirteenth article of the American treaty was under discussion, the Chinese negotiators were desirous to learn the usages in western countries respecting wrecks, and refused to modify it so as to take the responsibility for the lawlessness of their subjects towards shipwrecked people. I am desirous to learn the views of the government on this question, and, in order not to hamper it in any way, I refrained from all reference to a claim in my note to the Chinese government. (Enclosure C D.)

The other two papers (enclosures E F) show that the treatment of castaways in other parts of the coast is sometimes in marked contrast to the experience of Captain Nelson, and I am told that such instances of kind treatment are not uncommon. I have not yet learned the proper name of the Kien-wan, (for the Chinese characters do not convey the true sound,) but as soon as the details of the wreck come to hand I will inform you, for I think the case a very good one (if the facts turn out to be true) for special approbation and reward on the part of the United States government. If I could obtain the insertion of a notice in the Peking Gazette that the prefect of Fah-chan had been allowed to receive a present for this kindness to American citizens, the effect might be encouraging to other officials in similar cases. Whenever native vessels are

wrecked, the shore people usually pounce upon them and take the hull and cargo as their lawful property, and the crews seldom try to defend their vessels.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,
Secretary of State.

A.

Mr. Burlingame to Mr. Nelson.

LEGATION OF THE UNITED STATES,
Peking, June 30, 1863.

SIR: I did not receive your favor of December 26, 1862, until some time last month, after I had learned the loss of your ship and the sufferings experienced by yourself and Mrs. Nelson and the crew, through Sir Frederick Bruce, her Britannic Majesty's plenipotentiary. The circumstances attending the loss of the *Lucky Star* were most distressing, more so than has usually been the case among the unhappy casualties along that part of the coast of Formosa, and I desire to tender yourself and Mrs. Nelson my sincere sympathies with your misfortunes. It was a relief to learn that no lives were lost through the cruel treatment of those barbarous natives; and I have already conveyed my thanks to Mr. Braune, her Britannic Majesty's acting consul at Tanshwai, and to Baron Meritens, for their active kindness in rescuing you all.

The claim which you have made upon the Chinese government through me for indemnity for personal losses can be pressed upon it only under the provisions of article thirteen of the treaty relating to shipwrecks. The account that you have sent me does not show that any application was made to the Chinese authorities in that part of the island to relieve the crew or save the cargo, though it is likely that nothing they could have done would have rescued the latter from their lawless subjects. If you will read that article you will perceive that a plain distinction is made between the acts of officials and the violence of their subjects, the responsibility of the imperial government being limited to the former. In all the treaties lately made with it, the complicity of its own agents in such cases forms the ground for a claim of indemnity. In the present case a demand for compensation for loss of the ship and cargo (which would of course be regarded as identical with your own) would be decided adversely on the same grounds; and, in this view of the case, I may add, incidentally, that I am supported by the British minister.

It is well known that the Chinese authorities are often unable to restrain their subjects along their coasts, though their own intentions might be most friendly. The pirates and wreckers that now infest many parts will, I hope, gradually be restrained, and during the last twenty years much has been done to put them down, but the provisions of our treaty are clear with regard to the liability of the Chinese rulers.

Under these circumstances, therefore, I am constrained to decline to prefer your claim for indemnity. I shall, however, bring the incidents of the wreck to the notice of the authorities, with a request that orders be sent to the local magistrates of Tanshwin to exert themselves more vigorously in relieving shipwrecked crews thrown on their coasts.

I am, respectfully, yours,

ANSON BURLINGAME.

CHARLES NELSON,
Late Master of the Lucky Star.

B.

Mr. Burlingame to Mr. Bradford.

LEGATION OF THE UNITED STATES,

Peking, June 30, 1863.

SIR: I beg to acknowledge your favor of the 13th ultimo, informing me of the confirmation of your appointment of vice-consul at Amoy, and congratulate you on this evidence of the approval of the government.

I have re-examined all the papers relating to the claim of Frank J. Luders, late master of the brig *Iskanderia*, for indemnity for losses sustained in the wreck, including the reply of the Chinese officers to Mr. Hyatt, on his demand for the payment of some rice and money alleged to have been obtained from or on account of the wreck; and the result leads me to the conclusion that we have not sufficient grounds in the premises for making a demand upon the Chinese government for indemnity.

From the evidence it appears that the prefect of Taiwan did send some soldiers and others to the assistance of the sufferers as soon as application was made, though perhaps too late to be of any real service; but by doing so he came within the letter of the treaty in respect to furnishing assistance, while, by his offer of \$200 to the captain, he further showed his willingness to aid the crew in reaching home. It would be idle to suppose that any large portion of a cargo of rice would remain to be salvaged, after even two or three days, under the circumstances, and I do not think the local authorities can be held responsible for this condition of things.

In order to establish a claim for indemnity, the complicity of the Chinese officers in robbing a wrecked vessel is to be proved, and in this case the opposite was the fact; the only complaint made against them being that their power was weak, and their aid useless against the violence of the natives. The ferocity and insubordination of the inhabitants of that part of China is a well-known trouble to the rulers, and their weakness may gradually be strengthened, so that better government may arise; but this state of things is excepted in the treaties, and the power of the local officers to afford relief to needy foreigners must be estimated by their general ability to manage their own subjects.

I am compelled, therefore, on a careful review of this case, to conclude that the claim for losses in the wreck of the *Iskanderia* does not come within the meaning of article XIII of the treaty, and constitute a valid claim on the Chinese government, and you can inform the applicants to this effect.

I shall, however, bring the circumstances to the notice of the high authorities, with a request that orders may be sent to the officials in Taiwan to exert themselves actively in rescuing such American vessels as may unfortunately be lost on Formosa.

I am yours, respectfully,

ANSON BURLINGAME.

OLIVER B. BRADFORD, Esq., *Amoy.*

C.

Mr. Burlingame to Prince Kung.

LEGATION OF THE UNITED STATES,

Peking, July 28, 1863.

SIR: The United States consul at Amoy has informed me that the American ship *Iskanderia* was lost on Formosa, December 27, 1861, on her way from Taiwan to Amoy, at a place called Pu-tai-tsin, in the district of Kia-i, distant

about ten miles from the city of Taiwan. The ship was half imbedded in the sand when the villagers robbed her of everything, but did not wound the crew. The captain reported the wreck to the prefect of Taiwan, and besought protection and help; but he moved so tardily, that before any officials reached the spot the villagers had carried off everything, to the loss of more than \$20,000.

I have also learned that the American ship *Lucky Star*, on her passage from Shanghai to Hong-Kong, went ashore on Formosa, last November, between Tanshwin and Kilung. When she was seen, more than two thousand natives arrived with knives and spears, assembled on the beach to watch her, and when the captain with his wife and son reached the shore with a boat's crew, they were all robbed of their clothes, the female of her ornaments, and thus stripped, carried several miles into the interior and held for a ransom of a thousand dollars. The other sailors made their way to Tanshwai, and reported these proceedings to the officers, who declined to act on the instant. The foreigners there learning the state of the case, collected a party of men, and went to the place to bring away all the party, but they found that the ship and her cargo of cotton, valued at \$80,000, had been entirely plundered.

I have learned the truth of these reports, and bring the circumstances of these two wrecks to the notice of your Imperial Highness, in connexion with the provisions of the XIIIth article of the United States treaty, which stipulates that when a vessel is wrecked, the local Chinese officers shall, on learning the case, afford all the protection and aid possible, and not permit the natives to injure and rob her. The coasts of Formosa are exceedingly dangerous to navigators, and it would appear from these two cases that the local authorities there have either no power to restrain the people, or are too dilatory and negligent to do it; and I, therefore, avail myself of the occasion to request that particular orders may be sent to the proper officers on Formosa to exert themselves to afford all the protection to shipwrecked persons and property they are able. It might be proper, too, to inform the natives generally, through their head man, that when they assist in saving persons and property from wrecked vessels, a portion of what is saved will be given to the salvors, as is the usage in western countries, according to the toil and danger incurred in protecting it.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

His Imperial Highness Prince KUNG, &c., &c., &c.

D.

Prince Kung to Mr. Burlingame.

Prince Kung, chief secretary of state for foreign affairs, herewith sends a reply.

I have the honor to acknowledge the despatch of the 28th ultimo, in which your excellency informs me that "in December, 1861, the American ship *Iskanderia*, on her voyage from Taiwan to Amoy, was driven ashore by a storm at Pu-tai-tsin, in the district of Kia-i, where she was stranded; that when the case was reported to the authorities of Taiwan city, they were so dilatory in affording relief that the villagers on the spot had already completely plundered the vessel.

"Also, in another instance, that the ship *Lucky Star*, on her voyage from Shanghai to Hong-Kong, was driven ashore near Ki-lung, in Formosa, and broken up; that the wife and son [of the captain] were seized by the natives and plundered, and afterwards held for ransom, while others of the crew reported the circumstances to the authorities at Tanshwin; but they, also, would

not exert themselves to afford any help, and the whole of the cargo of cotton and the wreck were carried off by the natives. You, therefore, request that orders may be given to the local authorities of those places to exert themselves, and afford aid and protection in such emergencies."

It is well understood that whenever foreign vessels are wrecked or driven ashore [upon our coasts] by tempests, or [their crews] suffer injury or robbery at the hands of natives, that the officers at the place, on hearing the facts of the case, shall do all in their power immediately to save and relieve the sufferers; but in the above-mentioned cases the authorities at Taiwan and Tanshwin failed to exert themselves when the masters of the two vessels reported their losses. However, neither of these instances having been hitherto reported to the foreign office by the officials of Fukien province, the statement now received from your excellency shall be copied for transmission to the governor general of the province, directing him to make inquiry, and report upon the same; and, moreover, specially to enjoin on the authorities along those coasts to exert themselves, in all cases of wrecks, to save and succor the sufferers, as far as lies in their power. And to this end I now reply.

His Excellency ANSON BURLINGAME,

United States Minister, &c., &c., &c.

(August, 2, 1863,) Tunchi 2d year, 6th moon, 18th day.



E.

Prince Kung, chief secretary of state for foreign affairs, herewith sends a communication.

I received a despatch on the 4th instant from the general in command at Mukten, enclosing a report from the military magistrate at Fuh-chan* to the following effect:

"On the 24th of September the American ship Kien-wan, on her passage along the coast near the mouth of the Han-kia river, was driven by a tempest on the ledges and wrecked. A linguist (or comprador) came and reported the disaster at this office, and begged that two junks might be hired to take off the cargo, and carry it to Yingtsi, at the same time handing in a despatch from Mr. Knight, the United States consul there. Soldiers and policemen were accordingly detailed to go to the spot and carefully guard the property; and seeing that the vessel was fast on the rocks, I had the cargo taken ashore and stored in a fish warehouse hired for the purpose. This place (i. e., Fuh-chan) lies along the sea-side, however, has no harbor or shipping, nor is there any regular price for hiring boats.

"After this there came in another despatch of the linguist, requesting that four policemen might be retained in charge of the property, and a large junk be immediately hired to proceed to the spot to be in readiness for use at the ship, as a small one would not serve. I accordingly despatched a messenger post haste to Niang-Niang to hire a junk; and lest the merchants should become impatient, I wrote to inform them that Fuh-chan was a very small incommmodious place, and really furnished no large junks that could be hired.

"Shortly afterwards the consul sent for nine Americans to go to Yingtsi to get a junk. So I engaged three carts for them, and detailed a gens d'armes to accompany them. On the 27th the captain of the ship went off to the reefs, and set fire to the vessel, which was entirely burned. He also urgently pressed

* Fuh-chan is a small district town lying on the east side of Gulf Liatung, latitude 39° 40', longitude 121° 43'.

the hiring of a vessel ; and on the 30th three junks arrived from Niang-Niang, with the messengers. He immediately put aboard all the goods which were stored on shore into two of the junks, all in good order, nothing being lost or left, and sailed the same day for Yingtai, full of joy and grateful for the accommodation."

It is the rule that whenever a foreign vessel is disabled or wrecked within Chinese territory, the local authorities at the place shall, on being informed thereof, devise means to assist the crew and save the cargo. Now, in this instance of the ship Kien-wan, lost on the shoals near Han-kia river, within the jurisdiction of the magistrate of Fuh-chau, it appears that the latter, on receiving the despatch of Mr. Consul Knight, forthwith sent policemen to the spot to look after things, hired a house to store the goods in, and, seeing no junks could be engaged there, despatched men to go to Niang-Niang to procure three, into which the cargo was laden without loss or injury. It may justly be said that the officers at Fuh-chau have exerted themselves in every way to afford their help and protection.

In the despatch [from Mukten] there is a sentence, however, respecting the *linguist's despatch*, which needs to be noticed, for it is contrary to the treaty ; and if the linguist did himself write an official communication, (as if he were a consul,) such presumption should be reprimanded and the practice stopped. If it is not, I am afraid that when another instance like the present occurs, the local officers will be offended at its impropriety, and refuse to receive the document, whereby detriment may perhaps result to the distressed seamen. I have accordingly notified the general in command at Mukten to send a copy of the linguist's despatch for the information of the consul, that he may reprove the man.

I also inform your excellency of these occurrences that a notice may be sent to merchant captains, that if they meet with disasters along the coast, where a consul's help cannot be obtained, they had better resort to the magistrate's office, state their case, and ask for assistance ; but by no means get the linguist to write a communication in the name of the consul.

His Excellency ANSON BURLINGAME,
United States Minister.

October 8, 1863—Tungchi, 2d year, 8th moon, 26th day.

F.

Mr. Burlingame to Prince Kung.

LEGATION OF THE UNITED STATES,
Peking, October 12, 1863.

SIR: I have the honor to acknowledge the despatch of your imperial highness of the 10th instant, in which you inform me of the loss of the American ship Kien-wan, on the 27th ultimo, by a storm, and that her crew had been indebted to the military magistrate of Fuh-chau for hiring a junk and making arrangements to protect them and their cargo, &c.

I shall at once bring this praiseworthy kindness of the officers of his imperial Majesty to men from afar to the notice of the President, and respectfully request your imperial highness to accept my thanks on behalf of the crew of the ship.

With respect to the statement that the linguist wrote an official despatch, as it has not been reported to me by the United States consul at Yingtai, Mr. Knight, nor had I before heard of it, I will inform him of the conduct of the

linguist, and ascertain what seal and official title he used, that the circumstances may be inquired into and the man admonished.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

His Imperial Highness PRINCE KUNG,
Chief Secretary, &c., &c., &c., Peking.

Mr. Burlingame to Mr. Seward.

[Extracts.]

No. 56.]

LEGATION OF THE UNITED STATES,
Peking, November 7, 1863.

SIR : I have the honor to inform you of the settlement of the most difficult question that has arisen since my arrival in China. You have doubtless heard much of the building in England of war steamers for the Emperor of China, and finally of the sailing of the "Osborn Flotilla." But unless you were more fortunate than I was, you did not learn the exact terms on which this fleet was to be made available, or on what precise service it was to be employed. When I entered into the co-operative policy with my colleagues, as recounted in my despatch No. 42, it was understood that the steamers were to put down piracy, and aid in maintaining the revenue laws. On the condition that the force was to act in this sense, and that the service was to be cosmopolitan, no special objection was made to it by the ministers of France, Russia, and the United States. I disclosed a little suspicion, in my despatch, it is true, but immediately qualified it by the confidence I expressed in the wisdom and fairness of the British minister, Sir Frederick Bruce. When I saw, in the English newspapers, strange accounts of the number of war steamers which were said to be building for China, I felt it to be my duty to make inquiries of the Chinese government in relation to them. I did so, and gave you the result in my brief despatch, No. 51, but I could not then learn the names of the vessels, nor of their armament, for the Chinese had not been informed upon these subjects. About five months since Mr. Lay, inspector general of customs, came to Peking to secure a ratification of certain agreements he had made in relation to the steamers. He did not, as far as I know, make known his purposes to the ministers. We only gathered them from two cleverly written papers in "Blackwood," of February, 1863, in which Mr. Lay's merits are fully set forth, as by one intimately acquainted with them, and expectations were raised of what might result from his rare qualities, in the way of civilizing China. These papers were so full of hope and good intentions, that, though we, at Peking, felt that the author was under a misapprehension as to affairs in China, still we could but wish Mr. Lay success. His discussions with the Chinese ran through the greater part of four months without any realization of his hopes. In the mean time Captain Sherard Osborn arrived with his fleet, ready for service. We soon learned that there was a "hitch," owing, it was said, to the "stupidity and bad faith of the Chinese." Not knowing then all the questions involved, I believe I may say, with truth, that there was a general feeling against the Chinese. * * *

The Chinese government refused to ratify the agreements, and the papers were then placed in the hands of Sir Frederick Bruce, and the nature of the agreements, for the first time, came fully to his knowledge, and to the knowledge of his colleagues; and that you may better understand them, I will give briefly their history. For a long time past the ministers have suggested to the government, that for police purposes, and in aid of the revenue laws, a few small steamers

would be serviceable. These views were also held by the European employés in the customs. With some vague understanding in relation to steamers, Mr. Lay, inspector of customs, who went to England, primarily for his health, undertook to get them, but finding that he could do little without authority, he prepared a letter of instructions, which he sent out, to be adopted by Prince Kung. Mr. Hart, a very able man, who was acting in the place of Mr. Lay, had been permitted, at the request of Sir Frederick Bruce, to come to Peking to consult about regulations for trade in the Yang-tsze-kiang. While here, the letter arrived from Mr. Lay. Mr. Hart, by his intelligence and modest manners, had won, and deservedly so, the entire confidence of the Chinese, and, favoring the steamer project, he had no difficulty in securing their assent to the general letter of instructions which Prince Kung sent to Mr. Lay, coupled with the suggestions of Mr. Hart, which might serve to indicate the number of the steamers and the nature of their service, when they should arrive. Mr. Lay says he never received the letter. This letter was simply a general letter of instructions to buy, equip, and man certain steamers and bring them to Shanghai, and to make such agreements as were necessary to this end. Under this letter he entered into articles of agreement with Captain Sherard Osborn, and a large number of officers and men of her Majesty's navy, by which the captain, officers, and men were to serve four years; that the captain was not only to command the ships purchased, but all others manned by Europeans in China; that all moneys for the payment of the force should go through the hands of Mr. Lay; that all orders were to pass through him, and if he thought any order unreasonable, he could veto it. Such is the substance of the material articles. When they were communicated to the Chinese government, it indignantly refused to ratify them, on the ground that it would be a practical abdication of the sovereignty of the empire. At this point, as I have before stated, the papers were placed in the hands of Sir Frederick Bruce, and the question arose as to what was to be done with the ships. Three dangers menaced them, upon the dissolution and departure of the force: the Daimios in Japan, seeking war steamers; the lawless men on the coast, into whose hands they might fall, to be used for piracy; and the confederates, who have agents in China. I earnestly protested against their being left in that situation. Sir Frederick Bruce, in a spirit of that large amity which he has never failed to recognize, at once relieved my apprehensions by stating that the ships should be sent with the men to England, and that the whole question would be submitted to his government. He gave this information to the Chinese government. It was all that was left for him to do. At this stage in the history of the affair the Chinese came to me, in a great state of alarm, and earnestly asked my advice. I said my advice would be predicated upon their answer to one question: Would they, under any circumstances, ratify the agreements between Lay and Osborn? They replied that under no circumstances would they assent to the agreements. I then advised them, 1st, to give their reasons fully for not ratifying the offensive articles of agreement; 2d, to thank the British government and Captain Osborn for what they had done for them; and 3d, that inasmuch as there was a misunderstanding between them and their agent, which could not be reconciled, they should request the British minister to have the flotilla returned to England, under the direction of Captain Osborn, the ships sold, the men paid off and discharged, and the proceeds remitted to them. They followed this advice to the letter, and addressed a handsome letter to Sir Frederick Bruce to this effect, and, without suggestion from any one, added, as a compliment to Captain Osborn, that they would be pleased if he would accept ten thousand taels. Thus was settled, after weeks of anxious discussion, continued for the last three days at the United States legation, almost without intermission, this question involving so many interests. The virtue of the plan is, that it settles the question here, safely, to the satisfaction of all parties, and relieves everybody from all fear of future complications on

account of the flotilla. The truth is, the fleet was out of proportion to the needs of the Chinese, and quite beyond anything ever dreamed of by us in Peking. One of the vessels, I am told, is the fastest war vessel in the world; and all the ships are equipped in a manner, it is claimed, superior to anything of equal size afloat. But the flotilla had fair play, and the failure cannot be charged to the jealousy of anybody. When the several articles of agreement became known to me, I confess that I was surprised; and if the Chinese had not rejected them at once, without suggestions from any one, I should have been constrained, by a sense of justice to the Chinese, and in the interests of my own country, to have opposed them. To the credit of the British government, I learn from Mr. Lay that it was not aware of the articles of agreement between Captain Osborn and himself. The British government may also rejoice that it had at Peking, a representative so enlightened and just that he would not, by menace, undertake to force an arrangement which no one could defend, and which would have at once shaken our confidence in that co-operative policy which he had done so much to establish. He, by his prudence, relieved his government from a complication that no man could see the end of. Captain Osborn, as soon as he saw the real situation, to his honor be it said, determined at once not to involve himself or his government. He saw that the Chinese could not meet the only conditions upon which a British officer could with honor serve in China. By the constitution of the government, one must hold his commission at the will of a local governor, and must be subject to his orders. It is not in the power of the imperial government to depart from this rule; and this was the real difficulty. Had Captain Osborn thought more of his pecuniary interests, and less of his own and his country's honor, he would have taken the command on the Chinese conditions—have made an attack upon Nanking, won a temporary notoriety, and left his country involved in a mortal struggle with the rebels, and subject to the taunts of the civilized world. For his noble course I do hope he may be appreciated at home, as he is here, not only by the representatives of foreign governments, but by the Chinese themselves. They had come to believe that every foreigner could be had for money, upon any terms. One man has illustrated the higher quality of western civilization, and that man is Captain Sherard Osborn. For the humble part I have taken in this affair, in which I have assailed no one, but tried to do right, I am pleased to inform you that I have received the thanks of the British, French, and Russian representatives, and the kind letter from Prince Kung, which I enclose, marked A. Hoping that my conduct may receive the approval of my own government, I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

A.

Note from the Foreign Office to Mr. Burlingame.

PEKING, November 2, 1863.

At 8 o'clock yesterday morning we received the translation in Chinese sent us by Mr. Williams. The matter of which it treats and that which we discussed the day before so fully with your excellency, viz., the manner of sending back the money received by the sale of the flotilla, has all been arranged; and we have likewise reported the whole to Prince Kung, who has adopted the plan.

Seeing that Admiral Osborn has had so great trouble in bringing these ships to China, and will have more in taking them back to England so long a dis-

tance, we have donated him the sum of ten thousand taels, which is to be deducted from the money received from their sale, in order to exhibit the high regard in which he is held by the Chinese government. We shall be obliged if you will, also, convey him our thanks.

The reply which we were to send to the British minister has already been handed in to him, and we will take a leisure day to prepare a copy of it to enclose for your information, and also to tender to you our thanks in person. We send this note now, with the expression of our best wishes for your daily happiness.

Cards of—

WAN-SIANG,
TUNG-SIUN,
TSUNG-LUN,
HANG-KI, &
SIEH-HWAN,

Members of the Foreign Office.

His Excellency A. BURLINGAME, &c., &c., &c.

Mr. Burlingame to Mr. Seward.

No. 57.]

LEGATION OF THE UNITED STATES,
Peking, November 18, 1863.

SIR: In my despatch No. 16 I indicated the purposes to which I thought the surplus fund in China should be applied. In your reply, No. 15, you stated that my views would be transmitted to Congress.

I now beg leave to submit a few remarks of a practical nature in aid of the suggestions then made; and if the money is expended in the direction which I have recommended, it will result in an institution of learning for the benefit of the United States and China. This institution I would name the American College, or Ta-Mei Kwoh Hieh-kung. It should be placed at Peking, partly for sanitary reasons, but chiefly because this city is the political and literary centre of the empire, and where the court dialect is easily acquired. Thousands of students visit it every year to compete for the prizes of the empire, and anything so unique as an American college, with the happy circumstances under which this would be founded, could not fail to attract general attention.

Its objects should be two-fold: 1st, to teach Americans the language and literature of China, so as to fit them to be interpreters and consuls; and 2d, to educate clever Chinese in English studies and in their own literature, with a view to their employment by either their own rulers or by the United States. In respect to the education of interpreters, it seems hardly worth while to dwell at any length in this despatch, so frequently have our needs in this respect been set forth. Suffice it to say, that there are now fourteen ports open to trade by treaty, at eight of which we have consuls, and interpreters at three. The English, whose trade alone exceeds ours, have consuls and interpreters at all of them, and at the larger ports have an interpreter and two assistants; and, moreover, nearly every English consul speaks this language, having been promoted from the staff of interpreters. The Foreign Office in London now sends the young men intended for interpreters to Peking, to be educated under the direction of a gentleman selected for that purpose. They are primarily selected from the graduates of home colleges, after a severe competitive examination, and remain in the service of government during good behavior at an annual stipend of \$1,000, to be increased as they are advanced to higher grades and to consulships. Ten of these students came to China when I did, two years ago, and

under these advantages have made remarkable progress, one or two of them taking high rank as scholars in Chinese. As they become fitted for service, they are distributed among the consulates, where, from their character and acquirements, they at once have great and deserved influence. I cannot too warmly commend the competitive system recently adopted in England. It is republican, and is filling the British civil service throughout the east with persons of the rarest ability and most elevated character. If we would conserve our interests and illustrate our institutions in these regions, surely we must rouse ourselves from the lethargy of the slavery régime, and offer to our youth an opportunity to win those prizes in the world which belong to the good and intelligent. To this end I would establish, at the very centre of this ancient civilization, the institution I now propose; and that it may at once become useful, I would respectfully recommend that the President be authorized to appoint, after a severe competitive examination, ten young men above the age of 18 years, who are to be sent to the American college at Peking as student interpreters, at a rate of pay not exceeding \$1,000 per annum. This salary can be increased as they are advanced to be interpreters and consuls. They should be entitled to remain during good behavior, and the government at Washington should have the first claim to their services, though liberty might be granted them to accept other service when expedient.

The act of Congress approved August 18, 1856, section seven, was intended to provide for a class of consular pupils, as above recommended, but for some reason it was subsequently repealed, and I earnestly recommend its re-enactment, with such modifications as may be thought wise. Those students who are appointed by the government with salaries should, of course, bear their own expenses, and be no further charge to the college than for rooms and tuition. As there are so many fields open in China to those who can speak its language, it might be well not to limit the access to this institution to those Americans who are to be permanently employed by the government, for it appears to me that other young men, knowing that rooms and tuition were free, would like to avail themselves of its advantages. Mercantile firms and missionary societies might also desire to place students at it for limited periods, for in one year, I am almost sure, a young man of studious habits might here fit himself for a useful or lucrative employment in China, and in two years become equal to any requirements that might be reasonably demanded of him.

To render the institution still more useful, I recommend that a limited number of natives be received as students, who shall be taught and boarded out of its funds, none for a longer term than six years. I think there will be no difficulty in selecting promising young men who have already made progress in their own language, as many as may be desired. I hope, from my present relations with the Chinese officials, to be encouraged by them as they learn our design; even now they permit missionaries to instruct youths in their employ, and are likely to regard a well-endowed institution with favor. Nor will they be altogether indifferent to the spirit of equity which gives this direction to a sum of money that originally came from them.

For the organization of the college, I respectfully suggest that \$200,000 be set apart as the permanent fund, and this amount never to be encroached upon, but the whole placed at the highest rate of interest compatible with its safety, the interest alone to be used for the preliminary and current expenses, such as purchase and repair of buildings, salaries, tuition, &c. The college to be under the direction of a board of ten trustees, all resident in China, to consist of the United States minister and secretary of legation, the United States consul at Shanghai and at Tientsin, *ex officio*, three leading merchants and three missionaries; the merchants to have the chief management of the funds. To aid you in the immediate selection of the latter, I would suggest that the merchants be

the heads of the houses of Russell & Co., A. Heard & Co., and Olyphant & Co., and the missionaries be the Rt. Rev. W. J. Boone, D. D., of Shanghai, Rev. Henry Blodget, of Tientsin, and W. A. P. Martin, D. D., of Peking. The faculty may consist of the principal and his assistants, the former chosen by the trustees, with power to select his assistants, subject to their approval.

The college is to have no sectarian character, but religious services should be required, such as the reading of the Sacred Scriptures daily, the observance of the Sabbath, &c. The trustees residing at Peking should act as a board of visitors. An annual report of the progress and condition of the college should be made to the government through the Secretary of State.

I have now suggested the name and place for this institution, stated its objects, and sketched a brief plan for its organization. Permit me, lastly, as warmly as I may, to urge speedy action upon it. The plan is not extravagant; indeed, it may seem too narrow for so large a fund; but I wish to secure the safety of the money and propose moderate results at first. You know what noble endowments have been wasted in extravagant buildings and large salaries, and these ought to be avoided in China. I invoke your personal interest in this subject; it will be a congenial one, worthy of you, and if our hopes shall be realized, and an American college established at Peking, it will reflect lasting honor upon our beloved country.

I have the honor to be, sir, your most obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Burlingame to Mr. Seward.

No. 58.]

LEGATION OF THE UNITED STATES,

Peking, November 23, 1863.

SIR: As a sequel to the flotilla affair, I have now to inform you of the dismissal of Mr. Lay from the service of the Chinese government. It occurred in this way: After the departure of Captain Osborn the Chinese came to me and said that they had lost confidence in Mr. Lay; that he had not only required that the flotilla should be placed in his hands, but that he should have entire control of the customs revenue; that he had been impertinent to them; that he had demanded to be put on a level with the chief officers of the government; that he had requested that large sums of money should be given him, so that at Peking he might maintain more than imperial state; that he had requested a foo to live in, against the customs of the empire, as none but members of the royal family are permitted to reside in these. These and more complaints were made against him. They requested me to advise them, under the circumstances, what to do. I told them, as Mr. Lay was not a countryman of mine, that it was a delicate subject for me to interfere in, but that I thought it was a matter exclusively their own. They intimated that they intended to dismiss him in any event. I finally agreed to consult with my colleagues and let them know the result. I did so, and found them unanimously of the opinion that it was the right and duty of the Chinese government to decide for itself the question, and that such decision should be no ground of complaint against it. I communicated this view to the Chinese, at which they expressed great satisfaction. At another interview at the United States legation Sir Frederick Bruce, the British minister, heard, as I had done before, their complaints against Mr. Lay, and of their determination to dismiss him. Our efforts were then directed in such a way as to do them and Mr. Lay the least injury. They doubled his

already enormous salary for a few months, gave him a breakfast and a large pecuniary present (6,000 taels) at parting. After what had happened, we felt it to be our duty to urge upon them the expediency of not permitting the inspector of customs, or any other foreign employé, whose business was on the coast, to reside at Peking in a *quasi* diplomatic capacity. In this view they most heartily concurred, and immediately appointed Robert Hart, esq., in the place of Mr. Lay, with instructions to reside at Shanghai. Mr. Hart had deservedly their confidence. For two years past he has acted in the place of Mr. Lay, and by his tact and ability had won the regards of every one. Our countrymen were particularly well pleased with him. I therefore felt no hesitation in commending him warmly to their favor.

Prince Kung and suite came in person to thank me for the service I had rendered them by such practical suggestions as, from my cordial relations with all parties, I had been able to make.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

HON. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Burlingame to Mr. Seward.

No. 59.]

LEGATION OF THE UNITED STATES,

Peking, November 26, 1863.

SIR: I have the honor to acknowledge the receipt of your despatch No. 32, covering circular No. 39. I need not inform you how great was my gratification at reading the circular. There could not be a more lucid history of our victorious period. Our diplomatic circle was charmed with it, and exulted with me in the hopes it awakened. The glorious news of Gettysburg, Vicksburg, and Port Hudson reached us by the way of Russia, and it would have given you pleasure to have seen how warmly I was congratulated upon it by every member of the other legations. The sympathy for us here is real, as you learned from my despatch No. 56, in which I called your attention to the noble conduct of Sir Frederick Bruce, the British minister, in relation to the flotilla. I now send a letter of thanks as addressed by me to him, to which I beg leave respectfully to call your attention.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

HON. WILLIAM H. SEWARD,

Secretary of State.

Mr. Burlingame to Sir Frederick Bruce.

LEGATION OF THE UNITED STATES,

Peking, November 7, 1863.

SIR: When the Chinese government refused to rectify the doings of Mr. Lay, and there was nothing left for Captain Osborn but to dissolve the force of the flotilla, the question was, how it could be done with safety. I feared that the ships might fall into the hands of the confederates, who were supposed to have agents in China; and then there was the common apprehension from lawless men on the coast, in the interests of the Taepings, as well as from pirates, and the desire of the Daimios in Japan to procure steamers at any price. It was clear that the

Chinese could do nothing of themselves with the steamers, and that unless something were done they would certainly fall a prey to one of these several dangers. In my solicitude on account of the rebels in my own country, I made an earnest protest against the delivery of the ships to the Chinese. You responded in that spirit of comity which has ever distinguished our relations, that the ships should be taken back to England, and that no effort on your part should be spared to prevent them from taking a direction against the interests of my country.

Though subsequent events made it necessary for the ships to take the direction indicated by the desire of the Chinese themselves, still I should be wanting in appreciation of your conduct did I not mark it with my most heartfelt thanks, and at as early a period as possible bring it to the attention of my government.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Sir FREDERICK BRUCE,
British Minister.

Mr. Burlingame to Mr. Seward.

No. 60.]

LEGATION OF THE UNITED STATES,
Peking, December 19, 1863.

SIR: I have the honor to inform you that Thomas Walsh, esq., an American merchant, agreed with the Japanese government to sell and deliver to it certain guns which were at Macao. To carry out this agreement he chartered the steamer Scotland, and despatched her to Macao, where the sea was so rough that she could not take in the guns; whereupon, under the advice of the pilot, the captain of the Scotland took her to Cum-Sing-Moon, a place under Chinese jurisdiction, about nine miles from Macao, where he commenced taking in cargo from that place, with the assent of the Portuguese governor. While thus engaged the British gunboat Scout appeared, and while the United States flag was flying, fired across the bows of the steamer's cargo boats; after which her officers searched them and then boarded and searched the Scotland herself, but, finding nothing to warrant the search, they departed.

After this, according to Mr. Walsh, these officers informed the Chinese authorities that the Scotland was at Cum-Sing-Moon, whereupon they despatched officers who seized and took her to Whampoa, at which place she was detained under the surveillance of two British war vessels.

With these facts before him, our consul at Canton, Mr. Perry, promptly demanded the release of the steamer and cargo, which demand was refused, on the ground, chiefly, that the Scotland had violated the 14th article of the treaty in relation to clandestine trade, and also for the reason, privately given, that such release would offend the English. The above facts I learned from the letter of Mr. Walsh, which, with its enclosures, I herewith send, marked A. Immediately on the receipt of the letter from Mr. Walsh, I brought the facts to the attention of Sir Frederick Bruce, the British minister, and freely commented upon them, but to his credit let me write that there was no necessity for debate as to the impropriety of the conduct of her Majesty's officers. He admitted it as fully and as indignantly as I asserted it, and he marvelled, as I did, that they should have presumed to search the vessel at all; but much more so, that they should have done it in neutral waters, thus committing a double offence against international law.

To relieve his government from the odium of such conduct, Sir Frederick

sent the British interpreter, Mr. Brown, with the United States interpreter, Dr. Williams, to make known his views to the Chinese, and to support my application for the release of the steamer and cargo. I addressed the letter marked B to Prince Kung, by agreement, after a discussion at the Foreign Office, which might serve as a memorandum of the facts, and immediately received a letter from him, addressed to the governor general at Canton, instructing him to release the vessel and cargo, which letter was accompanied by the note from the Foreign Office, marked C, signed by the principal officers of the government, in which you will find the significant allusion to the "increasing friendly relations now existing between our countries." I mark also the good will of the Chinese in accepting my representation of the facts. Sir Frederick also addressed a letter to the British consul at Canton, in which he most pointedly condemned the conduct of the officers, and set forth his views at large against their action. He addressed a despatch in the same sense to his government. He also addressed a letter to me, which he requested me to make known to Mr. Walsh, whom he knew personally, in which he expressed a hope, that if there should be war with Japan, he would, in the common interest, see to it that the guns should not fall into the hands of the common enemy. That the letters might all arrive at the same time, they were confided to my care by Sir Frederick, and Prince Kung and I had the pleasure to forward them in two days after the receipt of Mr. Walsh's letter, by express overland to our consul, Mr. Perry, with the despatch to him marked D.

The steamer and cargo are of great value, and I rejoice at their release, but more especially at the manner of it. This case once more illustrates the power and harmony of our co-operative policy. I particularly refer to the manner in which the British minister met the questions involved. I hope his government will meet them in the same spirit, and thus turn that which might embitter our relations with England into the most potent means of strengthening them.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

A.

Mr. Walsh to Mr. Burlingame.

CANTON, *November 14, 1863.*

MY DEAR SIR: I wrote you from Japan a good while ago, and have since heard from others of your being happily situated and honorably treated at Peking. I have not heard directly from you since your arrival there, and this may make the liberty I now take appear unwarranted; but I have a vivid recollection of the intimacy with which you honored me, and the regard you expressed for me at Shanghai, which persuades me that your silence is not to be attributed to any change of feeling. I believe, therefore, that you will be glad to hear from me again. I believe, also, that you will not be unwilling to render me the service which it is my present object to ask. Accordingly I do not hesitate to appeal to you.

My case is this:

In September last I received an order from some Japanese officers at Nagasaki to purchase at Macao certain cannon and shot, known to be there, for delivery to the governor of Nagasaki, (Tycoon's officer.) The money requisite having been paid, I undertook the business, and in October bought the guns at Macao, and engaged the steamer Scotland to take them up to Nagasaki.

On the 22d of October the *Scotland*, being then American property, cleared at Hong-Kong for Nagasaki. She had already some merchandise on board for that port; as will appear by copy of her manifest herewith, (No. 7.) She first proceeded, however, to Macao, there to receive the guns.

On the 23d of October she arrived off Macao, but, on getting a pilot on board, it was found there was not sufficient water in the bar to allow a ship of her draught (17 feet) to enter either the inner harbor or the Tipa anchorage; and as the stevedores declared that heavy guns could not be safely transhipped from the lighters in the outer roads, where a rough sea prevails at this season, it was determined, on their suggestion, to take the ship and lighters to the anchorage of Cum-Sing-Moon, a place about 18 miles from Macao, which, although strictly within Chinese territory, had always been regarded as "outer waters," and, until quite recently, had been freely used by foreign ships, without objection from the Chinese authorities. The *Scotland*, therefore, proceeded to Cum-Sing-Moon on the 24th, and soon afterwards commenced loading from the lighters which had followed her from Macao. This she continued from day to day, until the 2d of June, without receiving any intimation or warning from any quarter that she had no right there, or was incurring any danger.

On the 2d of June the steamer of the Canton customs authorities arrived at Cum-Sing-Moon, and at once put officers on board, who forbade further work, declared the ship seized for infraction of the treaty, and ordered her and her three undischarged lighters to Whampoa, whither she proceeded on the 5th, two of the lighters containing seven guns foundering on the way, (owing to the rough sea running,) and only the third with five guns arriving safely.

During all the time the ship was at Cum-Sing-Moon no attempt was made to trade with any Chinese subject. The ship was not there to buy or to sell, but only to receive the cargo brought from Macao in the lighters, and, beyond obtaining some provisions and water from the fishermen, no other business was intended or attempted.

On the 6th of November the master made his protest before the consul. Mr. Perry then addressed to the hoppo a communication embodying the facts of this protest, and of a letter which I had written to him, and asking the release of the ship on the ground that no "clandestine or fraudulent trade" had been carried on; that the resort to Cum-Sing-Moon had been for *refuge* only, and that no violation of the treaty or rules had been intended. Copies of these documents are enclosed, marked 1 and 2, and I beg for them a careful perusal.

On the 13th instant the reply of the hoppo was received. I enclose copy of the translation, marked No. 3.

Official copies of these documents will go to you as soon as Mr. Perry can forward them; meanwhile he permits me to copy them, so that no time may be lost.

These are the facts of the case, and I assure you, on my honor, that I have stated them fully, frankly, and accurately; to the best of my knowledge. To attest such as it is possible to attest, I enclose copy of my letter of instructions to the captain when sending him some men from Whampoa to bring his ship up—he had only Chinese coolies on board—(No. 4;) also copy of the sea letter under which she flies our flag, (No. 5,) and copy of Consul Jones's certificate as to the state of Macao roads during the period in question, (No. 6.)

It will be evident to you, from these documents, that no violation of Chinese law or territory was intended; that no violence was used at any stage of the affair; that the ship resorted to Cum-Sing-Moon in good faith, and for refuge only, and that she was not engaged there in smuggling, in the true sense of that word.

Dr. Williams can satisfy you as to the truth of the statements respecting the shallowness of the bars of both the inner anchorages, (only fourteen feet at high tides;) as to the roughness of the outer roads at this season; as to the fact of

Cum-Sing-Moon being the nearest suitable anchorage, and as to the liberty formerly enjoyed in the use of that harbor.

It has been suggested to me that the Chinese authorities would probably have granted us permission to use Cum-Sing-Moon as we did. It was an oversight not to ask them, but, knowing how free this anchorage had been in former times, it did not occur to any one interested that the ship might be interfered with there. Had this danger been suggested, it might easily have been avoided at the loss of a little time, by waiting at Macao for fine weather.

It seems monstrous that for an offence so slight as that which the Scotland committed such a penalty should be imposed as that which the hoppo demands. It is doubtful whether any western government would be severe under such circumstances, and least of all would one expect such strictness from the Chinese government, which has heretofore not only been considerate and liberal in its dealings with other foreigners in such cases, but has had occasion itself to urge the observance of the spirit rather than of the mere letter of the treaties. It was in reliance on such a disposition in this case, and in fact on the intimation of the arresting officers that it would be manifested, that the ship quietly surrendered, when it would have been no difficult matter to shake off the arrest; and I do not doubt that the ship would ere this have been released—indeed I question if she would have been disturbed at all—but for the persistent and high-handed interference and influence of the British naval and civil authorities here.

The Daily Press newspaper of the 28th and 30th of October, 4th, 9th, and 14th of November, will show you whence came the animus which has governed the whole affair.

In the first place, a false report was circulated as to the Scotland's doings in Japan. This attracted attention to her when she came to Hong-Kong, and further falsehoods having been published about her there, she was followed to Macao by her Britannic Majesty's corvette Scout, which, on the 30th of October, went to Cum-Sing-Moon after her. There an officer from the Scout, without showing any warrant, boarded her, asked for her papers, examined them, and examined the guns, &c., in the lighters near by. This officer then admitted that he had no right to stop the work, and permitted it to be resumed; giving no hint, however, that it might be objected to by the Chinese authorities. Meanwhile the commander of the Scout had, most barbarously, fired shot at the defenceless lightermen, who, taking alarm at the approach of a ship-of-war in full fighting trim, with men in the tops, &c., had fled toward the neighboring shore, but did not (as has been asserted) attempt "to run" out of the anchorage.

The Scout then proceeded, on the 31st, to Whampoa, and is generally believed to have given information as to the Scotland's doings to the Chinese custom-house here, now wholly in British hands. It is also said, and credited, that at the same time the captain of the Scout offered to seize the Scotland for the Chinese, if they would make the request. This must have been declined, for the ship came to Whampoa without British aid; but the Scout now lies near her, watching her, and ready, it is thought, to stop her in case of any attempt at rescue. Her Britannic Majesty's gunboat Clown also remains close by, and the officers of these vessels do not conceal their anxiety to have the vessel and cargo confiscated, as is evident by the letters written on board the Scout, dated 31st of October and 6th of November, and published in the newspapers herewith.

As to the acts of the Scout, I need not point out to you their insulting and unjustifiable character, in whatever light the anchorage of Cum-Sing-Moon is regarded. They are admitted in the letter from that ship dated 31st of October, and speak for themselves. But if Cum-Sing-Moon anchorage is to be considered Chinese waters, under all circumstances, then the Scout's proceedings

are as much an outrage on the dignity of China as they are on that of the United States, and at all events are less excusable than anything done by the Scotland.

In consequence of these acts of her Britannic Majesty's naval officers, the British subjects in charge of the customs here, and the British officials generally, are understood to have exerted the whole of their very powerful influence on the Chinese authorities to prevent their making the least allowance for the peculiar circumstances represented in Consul Perry's letter, and this is doubtless the reason why the hoppo treats the consul's statements so disrespectfully in his reply.

As to the legality of my supplying arms to the Japanese government there can be no question, and those in the Scotland were truly destined for Nagasaki, where they could only be delivered to the imperial officers, as provided by the treaty. As to the propriety of my operations, I am not accountable to other men; but for your satisfaction, I will declare that, after much deliberation and more knowledge than most foreigners have of Japan, I am persuaded that if we do not deal kindly with the Tycoon's government, and sustain it by every lawful means, we shall either find ourselves expelled from Japan by a reactionary revolution, or see our commerce in that country dependent for its feeble light on a shameful maintenance by foreign swords, as is the case in China.

Mr. Perry has yet to try the effect of a personal interview with the hoppo on the Scotland's case, in which he will again present the facts urged in excuse for her irregularity, and endeavor to show that the letter of the law ought to be subordinate, not superior, to its spirit and to equity; but I despair of any advantage resulting from it, as it is clear that the British influence here is all-powerful with the Chinese, and unfriendly to us.

I accordingly lose no time in asking your good offices in this matter. To await the result of Mr. Perry's interview would lose the present steamer, and might lose the last mail of the season. I think, moreover, that you are more likely to succeed in the affair if you make it a personal and unofficial matter, than if you have to postpone it for official documents, which might attract the attention and opposition of the British customs officials; and, in view of the serious injury I should innocently suffer by the detention of ship and cargo, as proposed by the hoppo, I hope that you will consent to waive formalities in this case, and act as early as possible; for not only are the Scotland's daily expenses heavy, but I fear the Japanese will impute their disappointment to bad faith on my part.

I am encouraged to hope for success through your friendly efforts, by knowing that you have much influence at the capital, and that you have the right to ask a generous treatment of this case, on account of the good conduct of Americans generally, and of the services which some of us have had occasion to render to the Chinese government at various times. I believe Prince Kung will be more considerate of these things, and of the extenuating circumstances of the present case, than his subordinate here seems inclined to be, and I have little doubt that on your application he will order the release of the Scotland and her cargo. As the hoppo, in his answer, quotes his orders from Peking as reasons why he cannot be lenient, there seems good ground for you to proceed upon, even without waiting for the official documents, though it is possible he may already have reported the affair to the capital.

There is but one feeling on this subject among all the Americans here—missionaries included—namely, that the Scotland ought to be released, and that we shall be humiliated if we allow the Chinese, under British pressure, and on such mere technical grounds, to confiscate ship or cargo. I have no doubt you will share this feeling; and so trusting, I commit the case to your hands, believing that your sense of justice, no less than your good will, will prompt you to do all you can in my behalf.

In conclusion, I beg of you to excuse whatever of urgency or impatience you find in this letter, as well as the irregularity of this mode of appeal. The circumstances are so peculiar, and every hour is now of such consequence, that I trust you will find it possible so to excuse me.

I need hardly say that I shall be deeply obliged by any efforts you make in my favor; but you may rest assured that in such efforts you will not only be obliging me, but promoting justice. * * *

Begging the favor of an early answer, and with the best wishes for your health and happiness, I remain, my dear sir, yours, truly,

THOS. WALSH.

His Excellency ANSON BURLINGAME, Esq.,
&c., &c., &c., Peking.

Mr. Walsh to Mr. Burlingame.

CANTON, *November 17, 1863.*

MY DEAR SIR: Referring you to my letter of 14th instant, which will doubtless accompany this, I beg now to inform you that the result of Mr. Perry's interview of to-day with the Chinese authorities is that they persist in requiring the condemnation of the *Scotland* and her cargo.

They do not deny that there was no intention to infringe the treaty, but insist that the fourteenth article was violated by the resort to Cum-Sing-Moon, and that the fact that the vessel attempted no "clandestine or fraudulent *trade*" there is of no consequence, saying that this view is sustained by the Chinese version of the treaty, although by our version the attempt to "trade" is the essential of the offence. It seems probable that on this point the two versions slightly differ, but inasmuch as the English treaty is to be construed by the English text, (article 50,) I presume ours is to have the same advantage. I beg you, therefore, to urge this point.

The hoppo expressed his regret that we had not asked permission to resort to Cum-Sing-Moon, clearly implying that, if we had asked it, permission would have been granted. It is certainly unfortunate that this was not done, but the circumstance that the necessity for going to Cum-Sing-Moon for refuge was not foreseen should excuse us in this respect.

Another ground taken by the hoppo was, that Macao was a Chinese port, and that the trade in munitions of war was as illegal from there as from strictly Chinese ports; but if the treaty of Portugal does not contradict him on this point, the usage respecting Macao does; for, practically, Macao has been a Portuguese possession, and under Portuguese laws alone, for some time past, and, as I have stated in my former representations, we had the governor's permission to export these guns.

Notwithstanding these arguments, the officers (the governor general being present) expressed themselves willing to deal leniently with the matter but for the fear of the British: "For," said they, "if England goes to war with Japan, as we have heard she is likely to do, and these guns are used against her, she will consider us responsible, and we must avoid this responsibility if we can." In reply to this, it was suggested that if the British had any right to stop the introduction of the guns into Japan, they could do so after the ship had been released by the Chinese. But it was evident that this consideration had no weight against the fears which any resistance to British pressure excited, and that this pressure (which was several times adverted to) was the real reason why the officers felt obliged to decline to release the vessel.

It is probable that the final result of the correspondence will be an official reference to Peking.

But I hope you will not wait for this to present the case, and that you will see and urge that this is not a case for severity, but for the utmost leniency.

In support of my claim to such leniency I will mention that, only a few months ago, the British steamer *Jamsetjee Jejee-thoy*, which had been seized on her arrival here for having illegally *traded*, that is, bought and sold cargo at a closed port on the west coast, was liberated on payment of a small fine. This was a far more flagrant violation of the treaty than the acts of the *Scotland*; but British influence was in favor of that vessel as much as it is against us. The *Scotland* would be likewise let off if the Chinese officers dared to consult their sense of justice. But I am in hopes that what they think impracticable here may become practicable through your powerful influence at Peking.

I remain, my dear sir, yours truly,

THOMAS WALSH.

His Excellency ANSON BURLINGAME, Esq.,
United States Minister, &c., &c., &c., Peking.

Mr. Perry to Mr. Walsh.

CANTON, *November 15, 1863.*

MY DEAR MR. WALSH: The documents which you have submitted to me, marked Nos. 1, 2, and 3, and herewith attached, I find to be correct copies of the originals on my files.

Yours truly,

OLIVER H. PERRY.

No. 1.

[Statement.]

The American steamer *Scotland*, under my command, left Hong-Kong on the 22d of October, having on board certain merchandise destined for Nagasaki, and proceeded to Macao, there to take in some guns purchased by Mr. Walsh for the Japanese. On arrival off Macao I learned that it would be unsafe to attempt to load these guns in the outer roads on account of the strong wind and rough sea, common at this season of the year, and as my ship drew too much water for the inner harbor, I was advised to seek some other anchorage, and Cum-Sing-Moon was suggested as being near by, smooth and easy of access. Accordingly, and without any idea of violating any law, I proceeded there on the 24th, and soon after commenced taking in the cargo. I continued doing so without any interruption or warning from the Chinese officers until the 2d instant, when my ship was boarded by the customs officials, and, with three loaded boats (containing 12 guns) which were alongside, was seized under a warrant exhibited to me, and stated to be from the hoppo of Canton. The ship and one boat were then brought to Whampoa.

Now, therefore, I *protest* against this seizure, and demand the release of my ship and the restoration of the cargo, for the reasons following:

1. That I committed no intentional violation of the law; for when I was last in these waters, foreign vessels were allowed to transact business at Cum-Sing-Moon, (though it was not then, more than now, a treaty port,) and I was not aware that any change had been made in this respect. As a proof that I meant

no wrong, the fact of my ship being found without seamen, and without any preparation for immediate departure, should itself be sufficient.

2. Had it occurred to me that my proceedings were illegal, (which I again declare it did not,) I should have been reassured by the circumstances that on the 31st of October her Britannic Majesty's ship Scout entered the harbor, and one of her officers boarded my ship, examined my papers, pronounced them in order, allowed the boatmen (whom his ship's approach had frightened away, and whom she had fired at) to return and recommence work, and, on being questioned on the subject, admitted that our purpose of taking guns to Japan was a legitimate one.

These acts of the British officers plainly indicated that they did not regard Cum-Sing-Moon anchorage as Chinese waters, and as they gave me no intimation that I was violating them, I did not imagine I was doing so.

3. Feeling confidence in the fairness and liberality of the Chinese authorities as to the issue of this affair, and being conscious that no wrong was intended them on my part, I willingly gave the services of myself and all connected with the ship to carry out the orders under which the customs officers were acting, and without which assistance they would have been comparatively powerless to bring the ship up the river.

4. I also declare that the only cargo I took on board while at Cum-Sing-Moon was the guns and ammunition brought from Macao; that I did not land anything there, and that my purpose was to proceed with said cargo to Japan and there deliver it.

CHARLES L. GARDINER,
Commander S. S. Scotland.

CANTON, *November 6, 1863.*

Before me, Oliver H. Perry, United States consul for the port of Canton, China, on the 6th day of November, 1863, personally came and appeared Charles L. Gardiner, master of the American steamer Scotland, who, after being by me duly sworn, declared that all the facts set forth in the foregoing statement are true and correct.

In testimony whereof, I hereunto sign my name and affix my seal of office [L. S.] in the day and year above written.

OLIVER H. PERRY.

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No. 2.

Perry, American consul, &c., &c., &c., to Yoke, imperial collector of customs, &c., &c.

UNITED STATES CONSULATE,
Canton, November 7, 1863.

The consul has received a communication from the captain of the steamer Scotland, and the American Walsh, shipper by said vessel, informing the consul of the seizure, on the 2d instant, at Cum-Sing-Moon, of the steamer and three Macao lighters containing cargoes belonging to her, by the Chinese customs authorities, on the allegation that the ship was receiving on board cargo prohibited by the regulations, and brought the vessel to Whampoa, where she is now detained.

They state that the vessel did not go to Cum-Sing-Moon to carry on there "a clandestine or fraudulent trade," (as mentioned in article 14 of the treaty,) but to get a refuge for herself and for her small cargo boats from the strong winds and rough weather that prevailed in Macao roads; that she was too large to

enter the inner anchorage of Macao, and that Cum-Sing-Moon was the nearest smooth anchorage of sufficient depth. She went there in good faith, and without the least intention to violate Chinese territory or the laws, or to carry on "a clandestine or fraudulent trade;" that in former days it had been customary for foreign ships to resort to Cum-Sing-Moon; and neither the captain nor Walsh was aware that such a proceeding would be regarded as an offence against the laws; that they transacted there no commerce with any one, and did not land any cargo. The fact that the ship was not armed; that she carried on her work in the open day; that she had not seamen on board, but only Chinese coolies from Hong-Kong and Macao, whom she was bound to return there, and that she did keep steam on, all prove that she was not engaged in "a fraudulent and clandestine trade;" that had any violation of the law been intended, such obvious and easy precaution against detention and seizure would not have been neglected; on the contrary, the master's respect for the law not only prevented him making that resistance to the customs officers that he could have made, but induced him to assist them to bring the ship up at Whampoa; that if it was an error to regard Cum-Sing-Moon as open for the purposes mentioned, the error was very natural, for after the Scotland went there, the anchorage was visited by the British ship-of-war Scout, and acts were done there by her which show that her commander also regarded the place as neutral ground, like the high seas. Among these acts were the boarding of the Scotland, and the examination of her papers and cargo alongside, without any warrant from the Chinese authorities, and the firing of shot at the boatmen who had been engaged in loading her. These acts would have been quite unjustifiable if the anchorage of Cum-Sing-Moon had been regarded as Chinese waters, and the commission of them shows that they were not universally regarded as such, and that the master of the Scotland was excusable for not knowing them to be so.

The cargo which the Scotland was taking in at Cum-Sing-Moon consisted of guns and ammunition bought at Macao for the friendly government of Japan, and intended for delivery at the port of Nagasaki, in that country. The money for these guns has been paid by the Japanese officers, and much disappointment will arise if they are detained.

Such are the facts reported by the captain and shipper.

There was nothing improper in the purchase and shipment of these guns; they were all shipped from Macao, from which port it is permitted to export such merchandise, and the permission of the government was duly obtained in this case. In all western countries commerce in munitions of war is lawful, when it is not to benefit an enemy; and it is well known that, at this time, the government of Japan is not at war with any other nation.

If the guns had been bought in China, or were intended for sale in China, the Chinese authorities would have reason to detain them; but such is not the case, for it must be evident that had any smuggling been intended, the circumstances would be very different. Small boats would have been employed, not a large and well-known ship. The business would have been done at night or secretly, whereas it was done openly and in the day, both at Macao, in shipping the guns, and at Cum-Sing-Moon, in receiving them. The ship would have been prepared to defend herself, or to get quickly out of danger; whereas she was unprepared, and, on being stopped, surrendered to the authorities without resistance. Moreover, it was widely known that the guns were destined for Japan, and by the treaties with Japan the import of guns into that country is legal.

The consul, therefore, does not think it can reasonably be insisted that the master of the Scotland, or the shipper Walsh, have been engaged in "a clandestine and fraudulent trade" within the true meaning of the 14th article of the treaty, or that, upon a fair and equitable consideration of the facts, and a fair inter-

pretation of rule 3 of the supplemental treaty, they have violated that rule, not having in fact imported into, or exported from, China, guns and ammunition. The worst offence with which they are chargeable is that of a technical irregularity, for which it would be unjust and ungenerous for the Chinese authorities to punish them severely.

The consul therefore trusts that your excellency will, after a perusal of this true statement of the facts of the case, order the steamer Scotland and the guns to be released.

The consul avails himself of this opportunity, &c., &c., &c.

PERRY,

American Consul, &c., &c., &c.

YOKE,

Imperial Collector of Customs, &c., &c.

—
No. 3.

YOKE, BY IMPERIAL AUTHORITY, COMPTROLLER OF CANTON CUSTOMS.

A despatch in reply.

We have received the despatch of the honorable consul, which, on opening, we found to be as follows:

"The consul has received a communication from the captain of the steamer Scotland, and the American, Walsh, shipper by said vessel, informing the consul," &c., &c., &c.

(Here the hoppo copies the whole of the consul's despatch of November 7, word for word, without any alteration, to the end.) He then proceeds thus:

The above was received at our office; accordingly we have examined the several articles of the treaties with the consul's honorable country, and find that the 14th article of the treaty of Tientsin, June 18, 1858, reads thus:

"The citizens of the United States are permitted to frequent the ports and cities of Canton and Chauchau or Swatou, in the province of Kwang-tung," &c.

(Here follows, in the hoppo's despatch, the whole of the 14th article of the treaty headed, "seven open ports for American trade," word for word, as in the edition published by S. Welles Williams, Hong-Kong, 1862.)

The hoppo then proceeds:

"Also, in the supplementary treaty relating to commerce, the 3d regulation reads thus: 'Import and export trade is alike prohibited in the following articles: gunpowder, shot, cannon, fowling-pieces, rifles, muskets, pistols, and all other munitions and implements of war.'"

Now, the steamer Scotland, at the place of Cum-Sing-Moon, was clandestinely taking on board cannon. That place has never been an open port for trade; therefore she has violated the prohibitions. And on a careful examination of the 14th article of the treaty, and 3d article of the supplementary treaty, we find that her proceedings were not in agreement with them.

The comptroller has superintendence of all places on the seaboard for collecting revenue from the trading operations. In the management of this business he is guided by the several articles of the treaty. They require that this ship, with her cargo, be inspected, seized, and applied to the public benefit, (confiscated.) Several despatches have been received by us from the imperial foreign office (at Peking,) with instructions to this effect:

"Whereas the coasts of China are in every quarter infested with robbers and outlaws, making much disturbance: therefore, in every place, implements of war, cannon, gunpowder, and articles of that description, must be strictly

prohibited from clandestine importation or exportation. You are required to make strenuous efforts in the examination and seizure of such. This has been put on record."

'This place of Cum-Sing-Moon, is open for entrance on all sides and easy of access. Consequently it is very difficult to secure against or prevent the sale of contraband goods to robbers and outlaws. The captain of the Scotland having violated the prohibitions, he surely ought not to venture to present a disrespectful or insulting statement to the consul.

We remember that the honorable consul and ourselves have for a long time been faithful friends. Whenever business has come up demanding our attention, it has been equitably arranged in accordance with the treaty. On no account should any credit or belief be given to the statements of the captain of that vessel.

In regard to the request that the vessel and her cargo be released, it is very difficult to grant it. There are serious hindrances in the way of so doing.

We, therefore, trust the honorable consul will notify the captain of that vessel, and the shipper, (merchant,) that the ship Scotland, with her cannon, gunpowder, and all other articles of the ship, after passing an inspection and examination, should be, (or *will be*,) in accordance with the treaty, handed over for the benefit of the government and confiscated.

With this despatch in reply, accept our best wishes and compliments.

To PERRY, *U. S. Consul, &c., &c., &c.*

Tongchur, 2d year, 10th moon, 3d day—November 13, 1863.

B.

Mr. Burlingame to Prince Kung.

LEGATION OF THE UNITED STATES,

Peking, December 15, 1863.

SIR: I received yesterday a communication from T. Walsh, an American merchant, relating to the detention of his steamer by the collector of customs at Canton, who had seized it without cause, and detained it under a mistake, and was about to confiscate it. He says that his steamer was at Macao, taking in some large cannon of American manufacture, to carry them to Japan for the Tycoon, according to a contract he had previously made with the Japanese, and in agreement with treaty regulations. When at Macao, the north wind made the sea so rough that he took her into Cum-Sing-Moon to escape its violence; this spot is a small harbor along the coast, about twenty-five li from Macao, and almost uninhabited, so that it can be clearly seen that she did not go in there for clandestine trade. While busy transshipping the guns, an officer from the custom-house at Canton came on board, who declared that the ship was smuggling, and thereupon seized and took her to Whampoa. As soon as she anchored there, two British gunboats also anchored at her sides to watch her proceedings, because the Japanese and the British have had a quarrel, and the latter were afraid that one of the princes of that country was buying these large American guns, and wished to stop the vessel going there. The charge of smuggling was, therefore, trumped up against the steamer, and reported to the collector of customs at Canton. The United States consul informed him of all the particulars, and demanded the liberation of the vessel, but he replied that he could not do so, because it appeared that she had been engaged in smuggling in the outer seas. The case is, therefore, reported to you, as the minister

residing at Peking, that you may act; the monthly expenses are very large, and she cannot long remain detained in this way.

I have learned from this account of the case that this affair does not really belong so entirely to China, and that the act of entering Cum-Sing-Moon was not at all for the purpose of smuggling or evading the duties. The owner of the ship, Mr. Walsh, is worthy of credit, and an honorable merchant. The collector at Canton, having detained his vessel in this manner, and seeing that the ice will soon close the navigation in the Pei-ho, and no more steamers will come up, (to Tientsin,) while the monthly expenses of the vessel at Whampoa will be uselessly spent, I specially request that orders may be despatched to the collector at Canton to examine into the matter clearly, to the end that she may be liberated. I shall be obliged if the despatch is sent to me, and I will instantly send it under cover to the United States consul at Canton, so that no delay be experienced.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

His Imperial Highness PRINCE KUNG.

C.

Reply from the Foreign Office.

SIR: We have just received your note, and, in compliance with your request, now enclose a despatch to the governor general at Canton, which we shall be pleased to have you send under cover to the United States consul at Canton for transmission to him.

We may observe, in relation to this case, that the said merchant, Walsh, in entering Cum-Sing-Moon for the purpose of transshipping guns into his vessel, was really violating the stipulations of the treaty respecting dealing in contraband goods, and exposed her to be seized and confiscated for the illegality. But as your excellency has ascertained that Mr. Walsh was really putting the guns into her to carry them to Japan, we have accepted your representation of the case, and, in regard to the increasingly friendly relations now existing between our countries, are willing that the ship should be released. Yet we ought to add, that another case of similar violation of treaty rules cannot again be excused under the plea of a transshipment for other countries; nor will it be permissible to quote this case as a precedent in hopes of being treated as leniently. We therefore trust that you will inform American merchants of this, and enjoin upon them the strictest observance of all the requirements of the treaty. With this reply, we send our salutations and compliments.

Cards of—

WAN-SIANG,
TUNG-SIUN,
SIEH-HWAN,
TSUNG-LUN,
HANG-KI,

Members of Board of Foreign Office.

His Excellency ANSON BURLINGAME, &c, &c., &c.

DECEMBER 15, 1863.

D.

*Mr. Burlingame to Mr. Perry.*LEGATION OF THE UNITED STATES,
Peking, December 16, 1863.

SIR: As soon as I received from Mr. Walsh the facts in relation to the detention of the steamer Scotland I took steps to secure her release. In the first place, I called the attention of Sir Frederick Bruce, the British minister, to the action of her Majesty's naval officers in searching and watching the steamer, and I am happy to inform you that, with me, he considered their conduct unwarrantable. He condemned it in the most pointed manner, and, to relieve his government from the odium of it, he at once joined me in securing the release of the steamer. He has addressed a letter to his consul at Canton, in which he has stated his views, and given instructions in support of them.

This honorable action on his part will do much to allay the excitement which will naturally grow out of this affair.

The proceedings of her Majesty's officers were doubly illegal. *First*, in interfering with the steamer at all. *Second*, in doing it in neutral waters. The owners of the steamer were in fault in taking her to Cum-Sing-Moon without the permission of the Chinese government. There was, however, no intentional or real violation of the treaty, as there was no clandestine trading; but there was such a technical irregularity as to justify the Chinese government in taking some action against the steamer. I send you a private note from the Chinese, covering a letter of instructions to the governor general at Canton. From this you will learn that the steamer and cargo are to be released. That the necessary papers might all arrive at the same time, Sir Frederick and Prince Kung have confided their letters to my care, and I forward them herewith.

Commending the prompt manner in which you have acted in this most important affair, I have the honor to be, sir, your obedient servant.

ANSON BURLINGAME.

OLIVER H. PERRY, Esq.,
United States Consul.

Mr. Burlingame to Mr. Seward.

No. 61.]

LEGATION OF THE UNITED STATES,
Peking, January 4, 1864.

SIR: I have the honor to forward to you a report, marked A, made to the Chinese government by Raphael Pumpelly, esq., on a preliminary examination of the coal districts of the Si Shan, in the province of Chili. This is the first report of the kind ever made in China.

The amount of coal now consumed by steamers on the coast is more than four hundred thousand tons per annum, costing, to consumers, about four millions of taels. By opening these mines, coal which now costs from eight to twelve taels per ton might be laid down on the coast at a cost of between two and three taels.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

HON. WILLIAM H. SEWARD,
Secretary of State.

A.

Report of the Chinese government on a preliminary examination of the coal districts of the Si Shan, in the province of Chili.

In accordance with your instructions, I left Peking on the 17th October to visit the coal districts of the Hesi Shan.

Through the kindness of his excellency Sir Frederick Bruce, Mr. Murray, of the English legation, was permitted to lend me his valuable assistance as interpreter. The route followed was through Yang Fang, Tien-kia-chwang, and Hsia-ma-Ling, to Chai-tang. Here, during a stay of six days, the mines indicated by the local magistrates were examined. Leaving Chai-tang, we went to Men-tun-kan, following the course of the Huen-ho as far as San-kia-tien. After remaining four days in the coal district of Men-tun-kan, we went to Fang-shem (Shiem.) Here we stopped four days inspecting the principal mines. From this point we came directly to Peking, arriving on the 6th November, and having been out, in all, twenty-one days. The object of the journey was:

First. To find an accessible locality which should be able to furnish, at a low price, coal adapted to the use of steamers.

Second. To ascertain what improvements, if any, would be necessary to aid in obtaining this supply.

The properties necessary to render a coal suitable for steamers are:

"First. Capacity for raising steam quickly.

"Second. For raising it abundantly for the quantity consumed.

"Third. Freedom from dense smoke in its combustion.

"Fourth. Freedom from tendency to crumble in handling.

"Fifth. Capacity, by reason of its density, for close storage.

"Sixth. Freedom from sulphur."*

In order to ascertain more closely how far the coals of the mines visited fulfil the principal of the above requirements, I have made a series of analyses of specimens from the most important mines, the results of which will be found in the annexed table.

The means at my disposal did not admit of perfect accuracy, but the results approximate, I think, closely to the truth.

	Fu-ton.	Hsing-shun.	Ching-shui.	Ta-scar.	Te-i.	Ta-shi-tung.	Ying-wo.	Yung-to.	Specimen from Yung-ping-fee.	Specimen from Lo-ting.
Specific gravity	1.31	1.28	1.38	1.55	1.79	1.80	1.86	1.87	1.32	1.27
Pounds of lead reduced by 1 pound of coal.	31.5	31.4	29.0	33.4	31.0	31.5	27.7	.....	23.0	26.6
Pounds of water raised from 32° to 212° by 1 pound of coal.	72.1	71.8	66.4	76.4	70.9	72.1	63.4	.....	32.6	60.9
Percentage of ash ..	4.0	3.0	12.0	3.5	7.0	5.5	15.0	.....	21.5	11.0

The first line of this table gives the specific gravity of each coal, that is, its weight compared with that of an equal bulk of water.

*Report of Professor W. R. Johnson to the United States Navy Department.

The second line shows the number of pounds of lead reduced from oxide of lead by the combustion of one pound of coal; from this is calculated the third line, indicating in pounds the quantity of water heated from 32° to 212° Fahrenheit by the combustion of one pound of coal.

The fourth line gives the percentage of ash left by the thoroughly burned coal.

The only bituminous coal seen on the journey was that in the neighborhood of Chai-tung, with the description of which I will begin.

The Fuh-tau mine lies about five li west-southwest from Chai-tang, among the low hills that border the valley, and about 150 to 200 feet above the level of this. Trending north by east, south by west, this seam clips into the mountain at an angle of about 45° to east by south. Several mines have been opened in it.

The thickness of coal, which varies from eight to nine feet in the Fuh-tau to thirty-five feet in the Fuh-shun mine, may be safely averaged at seven to eight feet. The seam can be traced about one-half a mile on the surface, when its outcrop is lost at both ends of this limit under loose gravel and earth, but it undoubtedly continues for a considerable distance beyond in either direction. Parallel to this seam there are several others both above and below, one of which, four to six feet thick, is only thirty feet distance in the "hanging wall."

The coal of the Fuh-tau seam is brilliant black, formed of well-defined layers, and with an irregular to cubical fracture. It ignites quickly, burning with a long flame, opening slightly in the fire; it burns with little smoke, without coking and without falling to pieces, leaving four per centum of gray ash. Its heating power, as calculated from the assay, is very high—1 pound of coal raising 72 pounds of water from 32 degrees to 212 degrees by its combustion. The coal from near the roof of the seam is crumbly; that near the floor slaty; all the rest comes out in large firm pieces. Its specific gravity is 1.31. Thin films of sulphuret of iron are scattered through the coal, but not sufficiently to be injurious. This fuel answers remarkably well to the above requirements, and is equal to some of the best foreign steam coals.

Taking the average dip of the seam to be 45 degrees, and the mean thickness 7 feet, and supposing the greatest depth on the slope attainable by a vertical shaft 1,500 feet deep to be 700 yards, we have for every one hundred yards of horizontal extent of the seam, after deducting one-third for waste, &c., nearly 1,000,000 tons of saleable coal. There are several parallel seams near the Fuh-tau, all of which that are sufficiently thick would be workable by the same machinery and the same shaft as the latter, and can probably be relied upon to increase the production by fifty to one hundred per centum.

Thus, supposing these seams to be workable on a horizontal extent of 3,000 yards, a mine working them may be expected to yield 3,000,000 tons (5,040,000,000 catties) from the main seam, and 1,500,000 to 3,000,000 tons from the parallel ones, or in all 4,500,000 to 6,000,000 tons of salable coal.

The mine could, and with a great demand for coal undoubtedly would, be worked for double the distances assumed, both horizontally and on the slope, which would quadruple the production above given.

By the present system of working, the largest amount that can be obtained is but a fraction of the amount given above. At a depth of about seventy yards on the slope of the seam the best means of drainage known in China would be useless, and it is safe to say that not more than one-fifteenth of the above quantity could be mined.

According to the owner of the Fuh-tau mine, the most that he could deliver would be about 850 tons yearly, or about one-third the quantity used by a steamer of medium size. The two other mines on the same seam can furnish each about the same amount. The price at the mine is 16 tael cents for 160 catties, or \$2 20 for one ton of 2,240 pounds.

The King-shun mine, about 5 li north-northwest from Chai-tang, and easily accessible from that place, produces the next best bituminous coal. Trending northeast-southwest, the seam varies in its dip from 45 degrees to 90 degrees toward northwest. The thickness of coal varies from 3 to 8 feet. The extent of the seam was ascertained, but there is apparently no cause of irregularity for several li in either direction.

The coal is of a dull black color, with irregular flaky structure. It ignites quickly, burning with a long flame, coking readily, and leaves three per centum of red ash. Its heating power is high—1 pound raising nearly 72 pounds of water from 32 degrees to 212 degrees. It is more liable to crumble than that of the Fuh-tau, and also considerably less dense, its specific gravity being 1.28. It is also more likely to produce "clinker," from the greater fusibility of its ash. Thus, although a good coal for making coke and for metallurgical purposes, it is, from its tendency to crumble in handling, and to melt together and clog the draught in burning, not so suitable for use on steamers. Taking the average thickness of the seam to be 6 feet, and supposing the mine to be worked to a depth of 500 yards on the slope, after deducting one-third for waste, &c., each 1,000 yards of horizontal extent would represent 560,000 tons of saleable coal. There are several other workable seams near this which could be worked with the same machinery and the same main shaft.

Near Tsing-shui, about 15 li west from Chai-tang, are several mines producing bituminous coal. The seams are much broken up by dikes of eruptive rock, and their extent is very uncertain. It is a brilliant black coal, very clean and firm, with cubical cleavage; very inflammable; it melts and cakes together, burning with a long flame, and leaving twelve per centum of ash. Its heating power is much less than that of the last-mentioned varieties—1 pound raising only 66.4 pounds water from 32 degrees to 212 degrees. Specific gravity 1.38. It is a fair coal for making coke, and for most uses when a long flame is desirable. Nearly all of it is used in tile-glazing establishments of Peking.

The only anthracite mine visited near Chai-tang was that in the Ta-tsan or "great seam," although there are several others to the west and southwest of that town.

The Ta-tsan is about 15 li southwest from Chai-tang, the last half of the way ascending a narrow and rocky valley till it reaches the mine at an elevation of from 400 to 500 feet above Chai-tang. The mine is worked on two seams separated from each other by about 8 feet of rock. Trending northeast-southwest, these seams dip about 45 degrees to the northwest. The upper one, from which the coal is now taken, is from 23 to 35 feet thick; the lower 7 to 18 feet. About six-tenths of the produce of this mine is anthracite of a superior quality, coming out in large, firm pieces, formed of well-defined layers with conchoidal fracture and brilliant metallic lustre. It burns without flame or smoke, retaining its shape and leaving three to four per cent. of gray ash. Its heating power is very high, one pound of anthracite raising 76.4 pounds of water from 32 degrees to 212 degrees; specific gravity 1.55. Its high heating power makes it well adapted to steamers, the furnaces of which are fitted for burning anthracite.

Taking the mean aggregate thickness of the two seams to be only 24 feet, (so far as seen, the average is over 40 feet,) the amount of saleable coal from every 1,000 yards of horizontal extent would be nearly 4,000,000 tons. The price of this fuel at the mines is one small cash per catty, or about \$1 68 per ton of 2,240 pounds.

The only other mines visited were the Teh-yih at Man-tan-kua, and the Ying-wo and Ta-shih-tang at Fang-shan (hien)

The coals of the first and last mentioned of these three, though very fair anthracites as regards their heating power, are, from their tendency to fly to pieces in burning, not well suited for use on steamers, while the soft anthracite of the Ying-wo crumbles too easily and possesses too low a heating power.

Thus the coals best suited to the use of steamers are the "dry" bituminous variety from the Fuh-tau and the anthracite of the Ta-tsau. As the examination was confined to the mines indicated by the local magistrates, and as there are many seams which have not been mined from for a long time, it is not improbable that a more close examination would discover other coals of equally good qualities in the neighborhood of Chai-tang.

The consumption of coal by steamers on the coast of China is probably more than 400,000 tons yearly, costing to the consumers about four millions of taels. The use of steamers is increasing so rapidly that there is no reason to doubt that in a few years the consumption will be much greater than at present. Nearly all this fuel is brought from foreign countries, a large proportion coming nearly 15,000 miles from England. It is indeed strange that coal mined in England (where the miners' wages are from three to four times as much as that of the Chinese miners) can be carried 15,000 miles and sold in Shanghai for about the same price as that paid at Taku for coal of the province of Chili. It is brought also from America, Australia, and Japan.

China has an extent of coal fields hardly, if at all, surpassed by those of any one country in the world, and containing, at least in places, fuel of the best quality. It is in the power of the Chinese government, by properly developing a few mines, to place the whole of this trade in the hands of the Chinese subjects, with great profit to themselves and much benefit to foreigners. But the only means by which this can be effected is by such improvements in the manner of mining as will admit of an extensive and regular production, and by the adoption of a means of cheap transport of coal from the mines to the port.

As the Fuh-tau seam contains in large quantity coal of the desired quality, I take it for granted that unless an equally good quality be found in a more accessible locality, it will be on this, if on any, that improvements will be first introduced.

On the Fuh-tau seam it is impossible, by the best means known in this country, to take out more than one-fifteenth to one-thirtieth part of the coal that would be available by the foreign method. The Chinese miner is forced in these mountains to stop at a vertical depth of from 150 to 200 feet on account of the rapidly increasing water. Above this depth he can mine horizontally as far as he wishes; but not being able to go deeper, he can take out only a fraction of the coal in all vertical or highly inclined seams, while he gets only the worst coal that the seam contains, the best being that which is always under water.

In western countries the miner, having powerful machinery for pumping the water from the mine, can work to a vertical depth of from 1,500 to 3,000 feet. The use of this machinery admits of the laying out of a mine to an almost unlimited extent. By two sets of galleries in the coal—the one set parallel with the direction of the seam; the other following the dip, and crossing the first—the mine is laid out into squares, opening up the whole field that is to be worked. By this arrangement a very large surface of attack is exposed, along which a great number of miners can be placed. As communication is thus established with the most remote limits of the coal belonging to the mine, the working is begun at these farthest points, and the coal is taken out in working back toward the main shaft. Thus few or no galleries require to be kept open in the old workings, where expensive timbering would be needed. The greater the surface of attack, the greater will be the number of mines, and the production proportionably larger. The coal is brought on tramroads through the galleries to the main shaft, up which it is raised by steam power. Finally, all excavation in the hard rock, and often that in the coal, is rapidly made by blasting. A mine on the Fuh-tau seam, worked in this manner, could be made to produce 200 to 300 tons daily, at a cost of less than one dollar per ton. The carrying out of such an arrangement would require the engagement of a foreign mining engineer, two head miners, for directing under-ground works, and two

machinists, for the engines, &c. The machinery could be brought from England or America. All the rest could well be done by Chinese labor, and ultimately no foreign employes would be necessary.

But such improvements in the Chai-tang district would be of little use without a corresponding change in the means of transport. At present the price paid in Peking for Chai-tang coal is from four to five times the original cost at the mines, and delivered at Taku its cost would be about the same as that of English coals at Shanghai. Again, the carriage to Tang-chou, alone, of 200 to 300 tons daily would require a stock of from 14,000 to 20,000 mules, as each journey occupies seven days. This mode of conveyance is evidently impracticable. The only suitable means of transport would be by railroad. The most practicable route for such a road would, I think, be Chai-tang to Tsing-peh-kau, 30 li; Tsing-peh-kau to Hsia-ma-ling and Kau-kia-kau, 60 li; Kau-kia-kau to Yang-Fang and Fung-chou, 145 li; and were it continued from Tang-chou to Taku, 225 li—460 li.

The only difficult work in building this road would be about two miles of the stretch between Chai-tang and Tsing-peh-kau, about one mile between this and Hsia-ma-ling, about three miles of the stretch between that place and the Fuh-teh-ling, and, finally, over this low ridge itself. From the Fuh-teh-ling, down the Kau-kia-kau valley, to Yang-Fang, and over the plain to Tung-chou, or Taku, would be excessively light work. From Chai-tang to Yang-Fang there would be but one stream of any size to bridge over, and but one ridge—the Fuh-teh-ling—to cross.

Such a road, and the introduction of the improvements already indicated, would not fail to cause the opening of many extensive mines, developing in these barren hills a great and highly profitable industry.

The nation that has made such a grand system of canals to facilitate internal transmits will not fail, sooner or later, to do by railroads, where they are needed, that which it has so admirably done for the plains by canals.

There are three ways by which such an enterprise can be carried into execution: by the government opening and working the mines and railroad for their own account; by encouraging the formation of a company among Chinese capitalists who would undertake it; or, finally, by placing it in the hands of a foreign company.

It would be well, before opening a mine at Chai-tang, to have examined the coal districts of Suen-wha (fu), Yung-ping (fu), those on the east side of the Gulf of Lian-ting, and those of southern Hoonan.

The benefits arising from a development of the coal resources of the country would be felt not only by those interested in steamers, but by every class of people. Several millions of taels which now leave the country to pay for imported fuel would go into the hands of Chinese. The demand for labor, which would be wholly Chinese, increasing in proportion to the growing development of the mines, would give employment to a large number of people, for where now *one* man depends for his means of living, directly or indirectly, on the working of the coal mines, *more than fifty* would find their support. The fuel used by the people generally would be delivered to them at a fraction of the price.

I have said nothing of its effects on other branches of industry. This would ultimately be immeasurably great in a country possessing, like this, an almost unlimited supply of labor and such varied resources. It is to the development of their coal and iron industry that the nations of the west owe almost wholly their great and increasing commercial and military power. England, with a population of about 28,000,000—nearly the same as that of Chili—produces yearly a hundred million tons of coal and nearly seventy million peculs of iron. The coal mines alone employ about 220,000 miners. The value of these two minerals alone, at the mouths of the mines, is over \$100,000,000.

China possesses these resources to an unlimited extent, and, with these, the labor and the industry necessary to develop them.

To return to the more immediate limit of my report, the general conclusions at which I arrive are—

1. That there exists in large quantity near Chai-tang bituminous coal and anthracite of a quality equal to the best and superior to much that is imported.

2. That by the present means of mining and transport it will never be able to compete with foreign coal, owing to the small amount that can be produced, the great expense of carriage, and, in consequence of these, its necessarily high price at the port.

3. That the only means by which it can be made to compete with imported fuel is by introducing *in full* the foreign method of mining, and by adopting railroad transit, at least for the Chai-tang district.

4. This can be done either by the government itself or by a company of Chinese or of foreign capitalists, or of both.

5. That while the present price of Chai-tang coal at Taku is from ten to twelve taels per ton, (including all profit,) by the adoption of the plan a general outline of which I have presented, fuel could be delivered at Taku at a prime cost of between two and three taels per ton.

Submitted with respect and courtesy.

RAPHAEL PUMPELLY.

PEKING, *December 1, 1863.*

Mr. Burlingame to Mr. Seward.

No. 62.]

LEGATION OF THE UNITED STATES,

Peking, January 5, 1864.

SIR: I have the honor to inform you that I have been so fortunate as to secure the recognition, by the Chinese government, of the rights of Sweden under a treaty negotiated at Canton in 1847, and to forward the kind letter of Mr. Cunningham, marked A, acknowledging that service.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c.

A.

CONSULATE OF SWEDEN AND NORWAY,

Shanghai, December 4, 1863.

SIR: I have the honor to acknowledge the receipt of your excellency's letter of November 7, and to thank you for your very successful effort to procure from the Chinese high authorities the recognition of my official position under the treaty with Sweden, negotiated at Canton in 1847.

I shall report to the government at Stockholm the very kind assistance you have rendered, as evincing the friendly feeling entertained by you towards Swedish interests in China.

I have the honor to be, sir, your obedient servant,

EDWARD CUNNINGHAM,

Acting Consul General.

His Excellency Hon. ANSON BURLINGAME, &c., &c., &c.

Mr. Burlingame to Mr. Seward.

No. 63.]

LEGATION OF THE UNITED STATES,
Peking, January 12, 1864.

SIR: I have the honor to send you, marked A, the correspondence between Prince Kung and myself in relation to the appointment of George F. Seward, esq., as consul general.

You will be pleased to learn that though the prince understood from Mr. Reed's letter of November 10, 1858, that the United States would not appoint such an officer, still, for personal reasons, and as another mark of his confidence in us, he waives the point, and recognizes Mr. Seward in a most amicable spirit.

I fear that your despatch informing me of Mr. Seward's appointment has miscarried, as I have received nothing in relation to it directly from you. I fear, also, that you may never have received my despatch No. 42, in which I endeavored to set forth the policy agreed upon by the representatives of the foreign powers in China, as you refer to 41 and 43, but not to 42. I have your despatches 39 and 41, but 40 has not arrived. I beg to express my thanks for your continued approval of my action in China.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

HON. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

A.

Mr. Burlingame to Prince Kung

LEGATION OF THE UNITED STATES,
Peking, January 4, 1864.

SIR: I have the honor to inform your imperial highness that George F. Seward, esq., at present United States consul at Shanghai, and well acquainted with the commercial affairs of that port, which he has satisfactorily managed for a long time, has been promoted by the President to be the United States consul general at that port, and I have therefore to request your imperial highness that the same may be notified to the superintendent of customs and the governor of Kiangsu, Li, that he may recognize him as such, and co-operate with him in a friendly spirit in all matters requiring their united action.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME

His Imperial Highness Prince KUNG,

Secretary of State for Foreign Affairs.

Prince Kung to Mr. Burlingame.

Prince Kung, chief secretary of state for foreign affairs, herewith sends a reply.

I recently received your excellency's despatch, in which you informed me "that the President of the United States having promoted George F. Seward, now American consul at Shanghai, to be United States consul general at that port, you request me to notify the same to the governor of Kiangsu, in order that he may co-operate with Mr. Seward in the conduct of public affairs," &c.

On looking into this matter it appears to me that a consul general properly ranks with a treasurer or judge of a province, and this point was discussed in some communications which passed between their excellencies the two imperial commissioners Kweiliang and Hwasliana and the Hon. Mr. Reed. The latter, in his reply of November 10, 1858, says: "The question of the relative rank of consuls general does not arise with the United States, which has no such officer in China." In the despatch under reply you inform me that Mr. Seward has now been promoted from a consul to be a consul general, and though Mr. Reed's despatch states that the United States government has no such office as a consul general,* yet, as your excellency has conducted the business and intercourse between our two nations in an equitable and honorable manner, and this post of consul general has been newly established, it will be both proper and expedient to inform the superintendent of customs and the governor of Kiangsu, Li, of the same, that he may notify the treasurer and judge of that province and the collectors of customs at the open ports of the same, who will recognize Mr. Seward as such, and co-operate amicably with him on all occasions that require united action, and treat him in the same kind and respectful manner as is shown to the consuls general of all other nations.

His Excellency ANSON BURLINGAME,
United States Minister to China.

January 4, 1864—Tungchi, 2d year, 11th moon, 29th day.

Mr. Seward to Mr. Burlingame.

No. 49.]

DEPARTMENT OF STATE,
Washington, February 8, 1864.

SIR: The duplicate of your despatch of November 7, (No. 56,) which was sent by way of Russia, has been received.

How entirely it is approved you will learn from the copy, which I transmit to you, of a despatch which the paper has elicited from this department to Mr. Adams, the United States minister at London.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

(NOTE.—For enclosure see despatch to Mr. Adams, No. 839, present series.)

Mr. Seward to Mr. Burlingame.

No. 52.]

DEPARTMENT OF STATE,
Washington, February 29, 1864.

SIR: Your despatch of 4th November last (No. 53) has been received. The part which you have taken in regard to Mr. Pumpelly's exploration with a view to

* The apparent discrepancy between this quotation from Mr. Reed's reply and the former is owing somewhat to the arrangement of the Chinese version, which, by a different punctuation, can be made to mean "that, as there are no United States consuls general in China, it is needless to discuss their relative rank," or, "as the United States government appoints no such officer as a consul general, his relative rank in China need not be discussed," and not to any disposition to pervert the meaning.—*Trans.*

the discovery and development of coal mines in the region near Peking is approved and commended.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

Mr. Seward to Mr. Burlingame.

No. 53.]

DEPARTMENT OF STATE,

Washington, February 29, 1864.

SIR: Your despatch of the 5th of November last, No. 54, has been received and is approved.

As no objections exist to the modification of the 14th article of the treaty of the 18th of June, 1858, proposed by Prince Kung in his note to you of the 16th of October last, and agreed to by you in your reply of the 21st of the same month, and as it in fact evinces a friendly and liberal disposition towards the United States, the President has authorized you, in the enclosed full power, to conclude and sign an instrument of agreement for the purpose of affecting such modification.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

(NOTE.—The enclosure above referred to conferred full power in the premises.)

Mr. Burlingame to Mr. Seward.

No. 64.]

LEGATION OF THE UNITED STATES,

Peking, March 10, 1864.

SIR: I have great pleasure in acknowledging the missing despatches referred to in my despatch No. 63. I have received yours to No. 44, inclusive; I have also received No. 46, but No. 45 has not yet come to hand. Your despatch No. 40, informing me of the approval of the policy adopted by me, has given me great satisfaction. The winter is broken and the mail facilities are now open, so that I shall be able at once to communicate the results of my more recent actions. I can say in this that my relations with my colleagues and the government are of the most friendly nature. I send with this, marked A, the letter of Mr. Walsh, giving the result of my action in the case of the Scotland. I send it chiefly for the valuable suggestions of Mr. Walsh about Japan.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

HON. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

A.

Mr. Walsh to Mr. Burlingame.

HONG-KONG, February 2, 1864.

MY DEAR SIR: Your kind letter of 15th December reached me at Shanghai, whither I had gone to meet it. Not finding anything from you on my arrival

on the 12th, my fears got the better of my hopes, and I gave up all expectation of a favorable decision on my case. You may imagine, then, the pleasure it gave me to receive next day your despatches.

In hurrying off with them to this, I had not time to acknowledge them fitly, and thought you might, perhaps, be better pleased to hear from me at this point, that the Scotland business had terminated. I did not neglect, however, to arrange with Messrs. Russell & Co. for the payment of the courier.

I beg now to thank you most cordially, both for your friendly interference in my favor, and for the promptitude with which you acted. I shall hope one day to enjoy the pleasure you promise, and from hearing from your lips all the details of your proceedings. You may rest assured I shall not soon forget the great service you have done me, nor the kind manner in which you undertook and speak of it.

The ship was released on the 25th ultimo, and sailed for Nagasaki on the 1st instant. Seven of the guns had been lost by the act of the customs officers, and for these Mr. Perry has reclaimed on the hoppo; but I do not suppose he will pay, and I would not detain the ship for them. The customs people were all surprised at the release, and some of them, who had reckoned on getting rich out of my misfortune, showed much disappointment. What has reached me from that quarter indicates that the confiscation was a foregone conclusion from the first, and that the authorities had resolved to override whatever we should urge in our defence. The words of the hoppo, "I have seized the ship; how can I let her go?" were thus full of meaning; and they show not only how hopeless it is even to expect any officials of his class to decide against their own interest, but how essential it is to the maintenance of justice that our property as well as our persons should be protected by our own national courts, and not left at the mercy of the corrupt provincial tribunals of China. The whole case also demonstrates the advantage of our having a national representative at Peking.

The editor of the Daily Press has gone quite wild about the release, as you will see by his paper herewith. But excepting among persons of his class, I believe it has given pleasure to men of all nations, and I have been as warmly congratulated by Englishmen as by our own American friends. Mr. Perry was, of course, very glad. He had taken a hearty interest in the matter, and the decision in his favor will augment his already weighty influence at Canton.

The expenses of the ship have been heavy, but if she now escapes the Alabama the business will still result prosperously, the Japanese having been patient and faithful to their engagement despite their disappointment as to time. I trust the guns will now do good service, not in war with any foreigners, but in maintaining peace among themselves, and by that means increasing the ability of the government to fulfil its obligations to us.

I have read, with the attention it deserves, Sir Frederick Bruce's admirable letter to you, and recognize in his remarks a largeness of view and a liberality of sentiment which command my sincere respect. His treatment of the Scotland case was what I ought to have expected from these qualities of his character, and if I gave him less credit for them than he was entitled to, I hope my present acknowledgment will procure me pardon.

It is most agreeable to me to find that Sir Frederick has not been misled by the untruthful and malicious statements which have been published here respecting my acts and opinions, statements which it would have been beneath me to notice further than I did, but which I, nevertheless, feared might prejudice those who knew little or nothing of me. I need not tell you that I have no such anti-English sentiments as have been imputed to me. I have enjoyed friendly, and often intimate, relations with too many British officers and civilians in China to admit of my entertaining such feelings; and while I never hesitate to defend my own country to the best of my ability, I am unaware of

having ever so acted or expressed myself as to give reasonable cause of offence to the patriotism of others.

But it may gratify you and Sir F. Bruce, and justify the generosity which he has shown in this case, to know that before I undertook to obtain for the Japanese the guns on board the *Scotland*, I ascertained that the prince of Satsuma meant to come to an amicable settlement with the English, and that these guns, if they went into his hands, were not likely to be used against them. For prior to any discussion of the order, and after the result of the British attack on Kagosima was known, my brother, at Nagasaki, was invited by Satsuma's representative there to go to Kanagawa to mediate with the admiral for peace. My brother declined, because he and I thought another method, which we suggested, might be adopted with better chance of success, and, so far as we can judge by subsequent events, (the peculiar reticence of the Japanese leaving us no other means of judging,) it was in sequence of these suggestions that the settlement finally made at Yokahama was proposed—this very steamer *Scotland* having conveyed to that port the envoys sent for that purpose.

Thus you will see that what influence we had in Japan was exercised in favor of peace; and I can conscientiously say that such has always been our disposition and our practice, for we recognize the truth which Sir F. Bruce so clearly points out, that the real interests of all foreigners are identical in these oriental countries, and not only identical with each other, but identical also with the dictates of abstract justice and international equity; and every one who knows my brother's conduct, as United States consul at Nagasaki, during the last five years, can testify that he has acted in accordance with this conviction.

You and Sir F. Bruce will not expect merchants to refuse, on the Quixotic ground that they may, possibly, at some future time, be used against foreigners, a profitable order in times of peace for so legitimate an article of commerce as munitions of war. As well might one refuse to sell ships, or lead, or iron, or even books, lest they might assist the Japanese some day to defend themselves against foreigners. The most that a practical man could do in such cases would be to decline to furnish anything intended for immediate hostile uses, and by his conduct and counsel to discourage hostile feelings. This is what we have endeavored to do always, and the case which has been before you makes no exception to the statement.

We do not know precisely where these guns per *Scotland* will be mounted, but we believe they are intended not for hostilities against foreigners, but to strengthen the Tycoon and his friends, of the party of progress, in dealing with such men as the Prince of Nagata and the party of reaction. Satsuma appears to have enrolled himself with the former, and has proved his adherence by assisting to subdue the revolt which Nagata had raised in his territory. Indeed, it is believed by many, as it is asserted by Satsuma's people, that his only serious question with the Tycoon's government has been respecting the monopoly of the foreign trade to the "imperial" ports; his demand being that he shall be allowed to open one of his own ports to foreigners; and since he is a large producer of the articles demanded by foreigners, which he has now to send to Nagasaki and Yokahama for sale, paying heavy duties there, it is altogether likely that such is the case.

As to the lamentable murder of Mr. Richardson, no one who can examine the matter impartially will fail to see that it was not a deliberate thing, but the result of the heat of the moment, under a sense of the gross affront which the party attacked had, doubtless, without intention, given to an old dignitary who had been accustomed to the most servile respect, and who had not learned to adapt himself to the extraordinary liberty granted to foreigners. This view is supported by the facts that Satsuma's officers had previously rather distinguished themselves by their civilities to and intercourse with foreigners, and that in no other case had any of his people been identified with attacks upon them.

Looking from this point of view, I cannot join in the cry which has of late been raised against this prince, but believe that he remains on the liberal side, notwithstanding the provocations to a different policy recently given him. The guns per Scotland can only go to him with the assent of the Tycoon. If he gets them, therefore, the circumstance would attest the correctness of the views above expressed, for I think it cannot be reasonably doubted that the Tycoon and his party are desirous to deal liberally and faithfully with foreign nations. They are embarrassed by a strong reactionary party, whose arguments foreigners themselves have done too much to strengthen, and to whom the liberals are now, and may be for a good while yet, compelled to yield something in order to avoid overthrow. For it is certain that the foreign trade has increased the expenses of living so much that many who had fixed incomes have been almost beggared; and as they are not enlightened enough in political economy to look for compensation to the future, they regard the opening of the country as a disastrous experiment.

Our only dependence, then, is upon the steadiness and success of the liberal party, and it appears to me but wise and prudent in foreigners to give them every advantage which a legitimate commerce will afford, and every indulgence not inconsistent with national honor. The choice of foreigners is between such a policy and the enterprise of subverting the political organization and crushing down the spirit of the Japanese people in order to force them into an unnecessary commerce.

I do not believe that England or any other civilized power will deliberately undertake so unjust, so unwise, and so *impracticable* an enterprise. If I am right in this belief, then it can do no one any harm to furnish arms to the Japanese, if the treaty stipulations regarding trade in arms be duly observed, for the Japanese government cannot be reasonably suspected of a wish to make war upon foreign nations; no doubt it desires to withdraw some of the concessions it has made to them; but this is because its life is imperilled by the unforeseen effects of these concessions. But how timidly it proceeds to effect its purpose, soliciting, as a favor from the western powers, liberties which the smallest European nation would not hesitate to demand as a right. Surely such a people are not very dangerous to the peace of the world.

I do not defend their duplicities, their evasions, the alternate coaxings and threatenings they employ towards foreigners, least of all the horrible system of assassination by which some among them try to frighten us out of the country. But these are the resorts of a weak people. They are not unexampled, and they are not to be prevented by keeping the nation weak. Frankness, liberality, and honor are the virtues of the strong; and if we wish these virtues to appear among the Japanese, we must promote the national power instead of destroying it, recollecting that no government can be strong towards its own subjects which exhibits timidity towards foreigners.

It is, I know, commonly supposed that the government of Japan is strong internally. As respects the common people, who have no arms, and are without political influence, this may be true, for a good police suffices to govern them. But as regards the nobles and their armed followers, it is otherwise. Towards them the government is weak, its existence depending on its keeping the majority of them satisfied with it.

When the treaties were made the party in favor of liberal measures was in the ascendant; but since then, partly because the poorer princes suffered by the unexpected rise in prices, partly because some saw in the arrogant air and encroaching disposition of the foreigners a real danger for the liberties of the nation, and partly, also, because the Tycoon's government sought, by limiting the foreign trade to its own ports, to monopolize its benefits, many of the princes who supported the government have fallen away. Until lately it was doubted if the Tycoon could maintain his throne.

I should not despair on this point, however, if foreigners would act considerably, for besides the fact that the government is of old standing, and is showing considerable energy, the common people, who are naturally on its side, are steadily rising in wealth and power through the foreign trade, and will ultimately counterpoise the nobles. Moreover, some of the latter have begun to see that the increased productiveness of the land will enable them to repair their deficient revenues. A few of the more liberal have taken a still broader view, and one of the arguments of the Prince of Kanga, in the pamphlet he is reported to have published in favor of liberal measures, is, that the extra demand for laborers created by the foreign trade will absorb many of the rovers, and other idlers, who now prey upon the country, and thus tend to relieve Japan of its two greatest evils, its hosts of two-sworded men and its haunts of debauchery.

That in a nation organized as this is, and isolated as it has been, any noble can be found liberal and intelligent enough to advance such views, is itself a sign that if we will have patience with the Japanese, and give their intellectual pioneers a fair chance, they will progress as remarkably in political science as they have already done in mechanics, medicine, and languages.

This very tempting subject has made me ramble somewhat away from my text; but, perhaps what I said may have some interest for you, and satisfy you and Sir F. Bruce that in sending the "Scotland's" cargo on to Japan I do not act recklessly, or solely on pecuniary considerations, but upon a conviction, fortified by reason as well as by facts, that the guns are more likely to be used for the advantage of mankind in general than for their injury; and that I do no honestly-intending nation any wrong in supplying them to the Japanese.

You will have received ere this the good news of Bragg's discomfiture in Georgia, and of Longstreet's in Tennessee. It is evident that the war will soon be over now, the seceders being nearly exhausted. I anticipate, however, that they will make another rally or two, and shall not be surprised to hear that Lee has combined their forces and gained some great battle. They will surely not give up without some vantage ground of this kind for negotiations, and their military power is probably still strong enough to obtain it. This done, they will not let another planting season go by without arranging a peace. At the most they cannot hold out beyond the November elections; and if the war shall end even then, we shall have cheaply purchased two things—the extinction of the blight of slavery, and the evidence that our system of government is equal to the severest test that can be applied to any system.

Trusting that peace will find you still able and willing to do the nation good service, and wishing you health and happiness meantime, I remain, my dear sir, yours truly,

THOMAS WALSH.

Hon. ANSON BURLINGAME, &c., &c., &c., *Peking*.

Mr. Burlingame to Mr. Seward.

No. 65.]

LEGATION OF THE UNITED STATES,
Peking, March 17, 1864.

SIR: I am happy to inform you that the Chinese government has, at my request, by proclamation, refused to permit the rebel cruisers to enter its waters and ports, and has also forbidden its people to permit them to have any supplies whatsoever. Please find the correspondence annexed, marked A and B.

I shall notify the proclamation by publication at Shanghai, and shall send copies to our naval officers in these seas, for their information, and instruct our consuls to co-operate with the Chinese authorities in such manner as shall make it most effectual.

This enlightened and friendly action of the imperial government has been received with great satisfaction by the representatives of the other treaty powers, and will, I have no doubt, be warmly appreciated in the United States.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,
Secretary of State.

A.

Mr. Burlingame to Prince Kung.

LEGATION OF THE UNITED STATES,
Peking, March 8, 1864.

SIR: Your imperial highness is aware that for some time past a rebellion has existed in the United States against the authority of the same. I am happy to inform you that now, after three years' contest, it has been beaten from more than half of the space originally occupied by it, and that it is surrounded by our armies and navy, and must, perhaps during the present year, be destroyed. The rebels, in their desperation, have contrived to buy and arm a few steamers, with no other object than to destroy the peaceful commerce of the United States. As they have no ports in their own country into which they can take their prizes, and all other nations forbid them their harbors, they burn them at sea, and thus violate the law of justice and of nations. One of these steamers, the *Alabama*, flying before the war vessels of the United States, has come into the seas near the coast of China, and in those south of it has already burnt several vessels.

Now this is to request that the imperial government will, in consideration of its treaty obligations, and the friendship that has always existed between China and the United States, and in the interests of universal commerce, by proclamation, deny to that steamer, or any others sailing from the so-called confederacy, entrance into the waters and ports of China; and to the end that the proclamation may be effectual, that the imperial government will instruct its officers to be vigilant against these steamers; and that if by chance any of them shall get within the waters or ports of China, that no supplies of any kind whatsoever shall be given them under the severest penalties, nor shall they be allowed to buy any coal or ammunition.

In making this request I invite you to do nothing which is not clearly in the interests of the government or which is inconsistent with international obligations. The so-called confederacy has not been, and cannot be, recognized by anybody; it has no right to bring its strife into your waters; and if it should do so after you shall forbid it, it will put itself in the wrong. Action such as I request will be in the spirit of the present treaty, and of the 34th article of the treaty of Wanghia, which forbids relations with any individual State of the United States; it will strengthen more and more the friendship existing between the two governments, and commend itself to the justice and good sense of the world.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

His Imperial Highness PRINCE KUNG,
&c., &c., &c.

B.

Prince Kung, chief secretary of state for foreign affairs, herewith sends a reply :

I had the honor to receive your excellency's despatch on the 8th instant, in which you inform me that the southern part of the United States has risen in resistance to the government, and that a steamer called the Alabama is now cruising on the ocean, burning and destroying vessels and property belonging to them ; you therefore request that a proclamation be issued forbidding her to enter the ports of China, &c., &c.

It appears from this that by the rebellion of the southern parts of the United States against their government, your country is placed very much in the same position that China is, whose seditious subjects are now in revolt against her ; and as it is highly proper to prevent this rebel steamer from injuring or molesting American merchant ships, I have notified the various governor generals and governors of the maritime provinces to issue their commands to the local authorities, that if the steamer Alabama, or any other ship intending to injure American shipping, come into their jurisdiction, they are on no account to permit such vessels to come into any port. They are required to issue a proclamation to this effect immediately, in order to do what is suitable for the general welfare.

I have informed the ministers of Great Britain, France and Russia, of these proceedings, that they may notify their consuls at the several ports for their guidance. I also enclose a copy of the despatch issued to the various governors for your excellency's information and action.

His Excellency ANSON BURLINGAME,
United States Minister to China.

March 16, 1864—Tungchi, 3d year, 2d moon, 9th day.

[Enclosed in above.]

On the 8th March a communication was received from his excellency Anson Burlingame, United States minister to China, as follows: (Here the original despatch as quoted, except the first sentence.)

The board of foreign affairs is fully aware that a treaty of peace and amity exists between China and the United States. It cannot be permitted, therefore, that American citizens coming here to trade shall suffer injury from any one while living in the country, nor their ships or goods be destroyed. Now, the steamer Alabama has been burning American vessels with their cargoes on the high seas, and she must not be allowed to enter our ports, still further to destroy their ships ; and every other vessel with similar evil designs must be likewise forbidden to enter them. We, therefore, hereby notify all the governor generals and governors of the maritime provinces to enjoin all the local authorities to keep a careful and close oversight ; and if the steamer Alabama, or any other vessel-of-war, scheming how it can injure American property, approach the coasts of China, under their jurisdiction, they are to prevent all such vessels entering our ports. Let them also directly issue a proclamation, embodying all these circumstances and reasons for general guidance. A copy of this despatch has been communicated to the ministers of Great Britain, France and Russia, as well as to the American minister, Mr. Burlingame, and is now accordingly forwarded to the Manchu commandants, the governor generals, and governors along the coasts for their action thereon.

Mr. Seward to Mr. Burlingame.

No. 55.]

DEPARTMENT OF STATE,

Washington, March 21, 1864.

SIR: Your despatch of the 26th of November last, No. 59, has been received. I have learned with much satisfaction of the friendly dispositions manifested towards the United States by your diplomatic colleagues at Peking. Your letter to Sir Frederick Bruce, in acknowledgment of the course pursued by him in regard to the Osborne flotilla, is approved and commended; and I shall request Mr. Adams to make a further expression at London of the estimation in which Sir Frederick's conduct is held by this government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

Mr. Seward to Mr. Burlingame.

No. 56.]

DEPARTMENT OF STATE,

Washington, March 28, 1864.

SIR: I have to acknowledge the receipt of your despatch of the 12th of January last, No. 63, and its accompaniments, with reference to the recognition of George F. Seward, esq., as consul general of the United States at Shanghai by the Chinese government, and to express the satisfaction of this department with your proceedings thereupon.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

Mr. Burlingame to Mr. Seward.

No. 67.]

LEGATION OF THE UNITED STATES,

Peking, March 29, 1864.

SIR: I have the honor to forward a letter of thanks, marked A, addressed by me to the Chinese government on account of its action against the confederate cruisers.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

A.

Mr. Burlingame to Prince Kung

LEGATION OF THE UNITED STATES,

Peking, March 25, 1864.

SIR: I beg to acknowledge your imperial highness's note of the 16th instant, respecting the rebel confederate steamer Alabama, or other cruisers sailing under that flag for the purpose of injuring and destroying the peaceful merchantmen of the United States, and of your having issued a proclamation forbidding

them to enter any of the ports of China, and to express my gratification at the very kind and prompt manner in which this aid has been afforded. I have notified the several United States consuls of the same, that they may aid in carrying the proclamation into effect, and take such measures of precaution as may be necessary.

As your highness has informed the ministers of Great Britain, France, and Russia of this proceeding, I have likewise conferred with them, and beg to apprise you of their cordial approval of it, and their pleasure at observing how much his Imperial Majesty's government understands the courtesy of international comity, and the requirements of treaty stipulations towards countries at peace with China. When the government at Washington learns of this act of the Chinese government they will then see how desirous you have been to show your friendly co-operation, and I now anticipate their acknowledgment by informing you of my own sense of the proceeding.

I have the honor to be, sir, your most obedient servant,

ANSON BURLINGAME.

His Imperial Highness PRINCE KUNG, &c., &c., &c.

Mr. Seward to Mr. Burlingame.

No. 57.]

DEPARTMENT OF STATE,

Washington, April 19, 1864.

SIR: Your No. 62, of the 5th January last, has been received and is approved. I shall send a copy of it to Count Piper, the minister of Sweden here, for his information.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

Mr. Seward to Mr. Burlingame.

No. 58.]

DEPARTMENT OF STATE,

Washington, April 25, 1864.

SIR: I have to acknowledge, with much gratification, your interesting despatch of the 4th of January, No. 61, which gives the important results of Mr. Pumphelly's examination of the coal districts of Si-Sham.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

Mr. Burlingame to Mr. Seward.

No. 69.]

LEGATION OF THE UNITED STATES,

Peking, May 21, 1864.

SIR: I have the honor to forward the letter and circular (marked A and B) of Sir Frederick Bruce, in relation to the jurisdiction claimed by his government over leased ground at the ports. You will remember that in my despatch No. 36 I gave a history of my efforts against all pretensions of jurisdiction

over persons or territory under the name of concessions, and stated the accord at which I had arrived with my colleagues, and especially with Sir Frederick Bruce, who wrote the very able letters which I sent you against the whole doctrine of concessions. I am happy to say that my colleagues have been sustained in their views by their respective governments. But it seems that a British consul, in one at least of the new ports, either not understanding the doctrine, or believing that it did not apply to spaces of land leased by the British government, undertook to exercise jurisdiction in defiance of it over leased land. This led to another full and frank exchange of views on the subject between Sir Frederick and myself, terminating in the request to which this letter is an answer, and in his sending forth the circular annexed, in which the non-concession doctrine is made to apply to leased as well as other lands.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

A.

Sir Frederick Bruce to Mr. Burlingame.

PEKING, May 18, 1864.

SIR: In reply to the request of your excellency for information as to the jurisdiction her Majesty's consuls are entitled to exercise over persons inhabiting lots situated within the limits of ground leased by the British government at the ports, I have the honor to enclose a copy of a circular addressed by me on this subject to her Majesty's consuls. I may mention that this expedient was suggested by a desire to avoid the state of things which has grown up at Shanghai. The land in the foreign quarter at that place being bought direct from the Chinese proprietor, no conditions have been made binding on the purchasers. The consequence has been a large influx of Chinese tenants in the midst of the foreign population and the destruction of the exclusively foreign character which it was of importance to have preserved for the foreign settlements. It was also considered advisable, from the experience we had previously had of land difficulties, to secure a footing at once at the newly-opened ports.

But I need not say that any pretensions to exercise jurisdiction over foreigners residing within these limits are totally unfounded, and that her Majesty's government would not approve of these leases being extended so as to keep land unoccupied, and thereby interfere with the trading privileges of other nations.

I have the honor to be, sir, your excellency's most obedient, humble servant,

FREDERICK W. A. BRUCE.

Hon. ANSON BURLINGAME,

Minister Plenipotentiary of the United States in China.

B.

Sir Frederick Bruce to her Majesty's consuls in China.

[Circular.]

PEKING, May 16, 1864.

SIR: I am anxious to prevent misapprehension as to the jurisdiction that may be claimed by British authorities within the limits of settlements formed at the ports of China on land leased by her Majesty's government for the

purposes of trade. The lease to the British government gives no jurisdiction over the territory itself. The land remains subject to the sovereignty of China, and no further jurisdiction can be exercised over British persons and property within it than can be exercised over them at any open port where there has been no special lease of land for their benefit. For the authority exercised in her Majesty's name is derived from the treaties with China, and is not affected in any way by the grant of a lease. The conditions of the sub-leases have been drawn up, in some cases, so as to confine the sale of lots to British purchasers exclusively, with power to the consul to re-enter should these conditions be infringed. There is no objection to conditions of this nature, provided that the land so leased does not exceed what is required for the bona fide accommodation of British traders. But if a larger tract is taken than will be sufficient to meet the demands of the trade that may reasonably be expected to spring up, it is not desirable to insist on such conditions, for it would be a harsh proceeding towards the Chinese, and one inconsistent with that friendly consideration for the general interests of trade which Great Britain, in her dealings with China, has been careful to show, to keep any considerable tract well suited for trade unoccupied and out of the foreign market. Where the number of British commercial establishments is not likely to be large, or where the prospects of a remunerative trade are uncertain, it has been found advisable not to prohibit the sale of lots to foreigners other than Chinese. And this relaxation is for the interests of British subjects and of trade generally, because a man is more likely to buy land and build on it, as an experiment, when he has a wider area of purchasers to whom, if he finds no sufficient opening for his trading speculations, he may dispose of his property. In the latter case it has been attempted to remedy the evils of a mixed or imperfect authority by calling upon the foreign purchaser to execute a deed binding himself to submit to British jurisdiction in police cases, and in questions arising out of the clauses of the lease. To such a deed, however, there exist insuperable objections. According to the laws of most countries a man cannot, without the permission of his government, withdraw himself from his natural and submit to a foreign authority, and the attempts by the consul to exercise any such jurisdiction might lead to serious protests on the part of other governments; moreover, her Majesty's government has not empowered her agents in China to accept any such jurisdiction over foreigners or Chinese, and it is not expedient or politic to advance any such claim. The subjects of other nations, if entitled to buy lots, must be dealt with exclusively by their national consuls, if they are subjects of treaty powers; and if they are subjects of non-treaty powers, it is for the Chinese government to devise a means of making them obey the law. Her Majesty's consuls acquire no valid rights over them by reason of their living on a lot leased from the crown, or in virtue of any engagement they may personally enter into. Should there be an attempt to exercise jurisdiction over a foreign lessee against his will, the legality of the proceeding could not be sustained.

I am aware that this instruction may lead to some inconveniences; but if it is found necessary to apply a remedy, care must be taken that the remedy be one that is consistent with the principles herein laid down.

Your obedient servant,

F. W. A. BRUCE.

HER MAJESTY'S CONSULS IN CHINA.

Mr. Burlingame to Mr. Seward.

No. 70.]

LEGATION OF THE UNITED STATES,

Peking, May 21, 1864.

SIR: I have the honor to present the annexed letter, (marked A,) from F. B. Forbes, esq., vice-consul in charge of the consulate general of Sweden and Nor-

way at Shanghai, conveying to me the thanks of M. C. C. Manderström, minister of foreign affairs for Sweden and Norway, for assistance I was most happy to tender.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

A.

Mr. Forbes to Mr. Burlingame.

SHANGHAI, April 29, 1864.

SIR: I have the honor to inform your excellency that I have received a communication from M. C. Count Manderström, his Swedish and Norwegian Majesty's minister of foreign affairs, wherein he acknowledges the despatches of Mr. Edward Cunningham relative to the recognition of the Chinese of this consulate general.

I am instructed to convey to you M. C. Count Manderström's best thanks for your excellency's useful assistance in bringing about this result, and for the friendly feeling exhibited by you towards the interests of his Majesty's government in this country.

Sir, your excellency's most obedient, humble servant,

F. B. FORBES,

Vice-Consul, in charge of Consulate General.

His Excellency Hon. ANSON BURLINGAME,

Envoy Extraordinary and Minister Plenipotentiary

for the United States of America, Peking.

Mr. Burlingame to Mr. Seward.

No. 73.]

LEGATION OF THE UNITED STATES,

Peking, May 26, 1864.

SIR: I have the honor to enclose (marked A, B, C, D, E) a correspondence in relation to smuggling and arrests on the Yangtse. The strictures of the prince upon Mr. Seward are alluded to in dignified language in my reply, (C,) and were subsequently made the subject of satisfactory explanations. The truth is, there is no more scrupulous or hard-working consul anywhere than Mr. Seward, and at this time none are more ready to admit the fact than the Chinese themselves. The trouble here is that the local authorities, desiring to make a show of activity, send up the most exaggerated statements in relation to everybody and everything. The consuls form a fruitful subject of their attack; but learning at length that their statements are not permitted to go unchallenged, the local Chinese officials are becoming more cautious. The authorities here, exasperated at the undeniable violations of the treaty by lawless parties, are too apt to confound respectable merchants with smugglers and rebels, and to use the same language in reference to all. Time and patience alone are required to correct these things. I do not reply in kind; if I did, the controversy would be endless and fruitless. My practice is to correspond as little as possible, and then to make my letters brief and plain. This course gradually wins their

respect and leads them into a more respectful style. Nothing confuses them more than to let them know that you think they have been wanting in politeness. I am trying with my colleagues to secure a "mixed commission," which will at least collect evidence not to be denied by either party. Now, both parties send up the most confused and contradictory statements. From these I say one thing, and the Chinese another; from this unpromising attitude we seek an equitable solution of questions. In the interests of justice I sometimes go to the verge of diplomatic propriety in seeking to controvert what I may deem the false statements of their officials.

The Chinese feel sensitive when I give more weight to our people's statements than to those of their people. In an enclosure to my despatch No. 74, which will go with this, you will find a significant illustration of this feeling, where they express the hope that as they believed my statements in the Scotland case, that I will believe theirs as unquestionably in turn. I write the above to show the difficulties of the situation, and to explain the correspondence which I sometimes send you. I believe my relations with them were never better than they are at present. Our frequent interviews have made us well acquainted and strengthened our faith in each other.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

A.

Prince Kung to Mr. Burlingame.

Prince Kung, chief secretary of state for foreign affairs, herewith makes a communication.

On the 20th instant I received a despatch from Li, the governor of Kiangsu, and acting superintendent of commerce, as follows:

"I enclose a report from a captain in charge of marines, named Sun Shen-ching, to the following purport:

"While cruising about between Pie-kiang, Hung-kau, and Kaw-miaw, I observed a small Chinese boat, manned by foreigners, and suspecting something from her motions, I boarded her, and found four foreigners, with arms, opium, &c., in the hold; on one of them was discovered a passport from a rebel chief named Yin. I now hand them all over to the proper officer for examination.

"The intendant of Sie-chan then had the foreigners brought up to his office. One was named Willie Hart; another, Thomas Hanson; a third, Faniko White; and the fourth, George Shurersy—all of them British, as well as the arms and other articles, and the vessel, which belonged to H. Evans & Co. They were accordingly all sent to the British consul, with a copy of the rebel passport and the evidence taken, to be tried and punished, and a request that Evans might be arrested and punished. Shi Tsai-lung, the master of the boat, and his men, were imprisoned for trial.

"The British consul replied to the intendant that only Willie Hart was a British subject, and he should be punished; but that Thomas Hanson was a Dane, and Faniko White and George Shurersy were Prussians, and had all been handed over to their respective consuls for trial. He further informed the intendant that in examining the firm of Evans & Co., it was proved by two witnesses that the American firm of H. Leighton & Co. had chartered three vessels from them, as their account-books could show. They could not know to what purposes the vessels would be applied after chartering, and asked to have

them returned. The intendant decided that the vessel having been found with arms and ammunition on board, was justly confiscated, whoever owned her; and the evidence respecting the participation of H. Leighton & Co., in trading in the same, was very clear. An under officer in the court named Ying-meh also deposed that the said firm had already been convicted of illegal traffic, and punished by the British consul for it, and that it was notorious for the way in which it aided the rebels."

All these facts have been made known to the United States consul, who has hitherto failed to reply to them, and it is generally supposed that he tries to screen them, even if engaged in this contraband trade, and, if possible, to let them off without punishment.

On receiving the above, I, the prince, have looked at Art. XIV of the United States treaty, which provides "that any citizen of the United States who shall trade in contraband articles of merchandise shall be subject to be dealt with by the Chinese government, without being entitled to any countenance or protection from that of the United States." This language is explicit, and the stipulation severe, to induce traders to regard it; but the recent Yangtse regulations contain even stronger rules against aiding the rebels. Since last year I have written several times respecting such practices to your excellency, requesting that they be restrained; one of these despatches related to a foreign steamer going to a place held by rebels—Kwanyin-mun—to which I was honored by a reply as follows: "The conduct of this steamer in thus disregarding the treaty should be denounced, and as soon as the facts regarding her proceeding are ascertained she shall be punished as the law provides. If United States citizens transgress the regulations at any time I hope you will inform me immediately, that I may aid the Chinese authorities in bringing offenders to justice, and so the innocent will not be implicated."

It appears, therefore, that the merchants have been repeatedly warned by your excellency as well as myself, so that the disregard of all laws by the firm of H. Leighton & Co., in this contemptuous manner, is the more surprising. Their former punishment and imprisonment by the British consul for dealing in contraband articles did not deter them, for they are again detected in supplying arms and ammunition to the rebels. Such wilful contumacy should not again be overlooked.

The intendant copied out the rebel passport, and the evidence taken for the information of the consul, who ought, therefore, by treaty, to give up the manager of the vessel to the Chinese authorities, and not try to screen him. Why is it then, when the proof is so clear, that the consul has delayed his reply? for this is one of those cases where the treaty allows jurisdiction to the Chinese alone. It was an act of courtesy for the intendant to inform Mr. Seward of the facts, that he might inquire into them for adjudication; but if he obstinately delays all action, and thinks that he can screen the offenders in some way, it will then remain for the Chinese officers to attend to the case themselves, and carry treaty provisions into effect.

As your excellency regards this illegal and clandestine traffic with utter disfavor, and desires that it be punished in all cases as a warning, I hope that you will strictly enjoin upon Mr. Seward the immediate trial of the parties in this case, without any specious excuses or delay, so that it may be concluded, and a stop be put to similar and even worse proceedings.

I shall enclose a copy of this communication to Li, the governor of Kiangsu, ordering him to attend to the settlement of the case in accordance with treaty, and it is in order to inform your excellency that I send this to you.

His Excellency ANSON BURLINGAME,
United States Minister.

April 23, 1863—Tungchi, 2d year, 3d moon, 6th day.

B

Prince Kung, chief secretary of state for foreign affairs, herewith sends a communication.

The superintendent of commerce at Shanghai, Li, has forwarded to me the following report:

"The intendant of circuit here has lately informed me as follows: A steamer was recently seized from the American firm of H. Leighton & Co., who had chartered it from the English firm of Evans & Co., detected in furnishing arms and ammunition to the rebels. In her were taken a number of persons—Willie Hart, Thomas Hanson, Faniko White, George Shurersay, and others, who were all handed over to the four consuls of their respective countries to be dealt with and punished according to treaty stipulations. The British, Danish, and Prussian consuls replied that they had examined and punished the men, and the steamer belonging to Evans had been confiscated legally, the British consul making no objection to the procedure. But Mr. Seward, the American consul, had said in his reply that he had sent for Mr. McCready, the leading man in the firm of H. Leighton & Co., who had declared that they owned 192 kegs of gunpowder, and that the matter needed to be most thoroughly examined before deciding it; to which I, the intendant, answered, that this part of the case was involved in the evidence given by Evans; and furthermore, that Mr. McCready himself had acknowledged the facts, and the whole matter had been fully inquired into. Several times I have urged Mr. Seward to adjudicate the case and punish the offenders, but he still persists in adhering to the same course. I beg, therefore, that you will communicate with the American minister at Peking, in order that he may require the case to be speedily settled."

It appears, on looking over the records, that the firm of H. Leighton & Co. has already been engaged in supplying the rebels with arms and ammunition, as I, the prince, have already informed your excellency. In the present instance the British, Danish, and Prussian consuls have already punished their subjects for their complicity in the transaction, and Evans's steamer has been confiscated, so that the case is settled so far as they are concerned. But the consul of your honorable country, Mr. Seward, still replies in a crafty manner, refusing to adjudicate it, so that it seems as if he were desirous to get the offenders clear. The prohibition for private individuals to trade in arms and ammunition is well known; but how much stronger is this case, wherein the head of the firm confesses to having privately traded in 192 kegs of powder, and thereby completes all the evidence wanted in the clearest manner.

If the consul determines thus to violate the treaty, our own officials have only to maintain them fully and to carry them out by seizing and settling the matter themselves. I have, therefore, to request your excellency sharply to instruct the consul to carry out the requirements of the treaty in this case immediately, and settle the same without any more delays and partialities, so that its results may serve as a warning for the future to all concerned.

His Excellency ANSON BURLINGAME,

United States Minister, &c., &c., &c.

January, 28, 1864—Tungchi, 2d year, 12th moon, 19th day.

C.

Mr. Burlingame to Prince Kung.

LEGATION OF THE UNITED STATES,
Peking, January 30, 1864.

SIR: I have the honor to acknowledge your highness's despatch of the 19th instant, in which you inform me of the American firm of H. Leighton & Co. having been found trading in arms and ammunition, and the seizure of 192 kegs of gunpowder, &c.

I have carefully read this communication, for, as Mr. Seward's report has not yet been received, I had before heard nothing about the matter. If the report of the intendant is full, and there are no other circumstances connected with the case, the treaty requires the property to be confiscated, and I will instruct the consul general to adjudicate the case equitably, in conformity to treaty requirements.

In the despatch under reply it is remarked that Mr. Seward stated that he wished to have the case most thoroughly examined before deciding it; from which might be inferred that there was some other reason, or that there were more points still undetermined. I am able to say that he desires most carefully to inquire into all the circumstances of every case, without any leaning to either side, and that when he has ascertained all the truth respecting this one, it will be decided equitably as between the two parties, in conformity to the stipulations of the treaty. But in this first despatch respecting the case, and when the facts are not yet all known, it is inexpedient to intimate that there has been any partiality, and hence feel suspicious and indignant at his conduct, in order to render the decision of such cases as this more strict and exact.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

His Imperial Highness PRINCE KUNG, &c., &c., &c.

D.

Prince Kung, chief secretary of state for foreign affairs, herewith makes a communication.

In the reply just received from your excellency you observe: "I have heretofore heard nothing of the case of the firm of H. Leighton & Co. having been found trading in 192 kegs of gunpowder, in violation of law, as the despatches respecting it have not been received;" and add in conclusion, "In the first despatch respecting the case, when the facts are not yet all known, it is inexpedient to intimate that partiality has been shown, and hence feel suspicious and indignant at his conduct, in order to render the decision of such cases as this more strict and exact."

Now, on the contrary, this case of H. Leighton & Co. was reported to you on the 23d of last April, with a request that the consul at Shanghai might be ordered to adjudicate the case immediately; but no reply has been received to that despatch. In the report recently received from the superintendent of commerce at Shanghai, he says that the British, Danish, and Prussian consuls have replied, informing him that the guilty parties have been punished and Evans's steamer confiscated; but that Mr. Seward says the 192 kegs of powder belong to Mr. McCready, of the firm of H. Leighton & Co., and careful examination is needed before deciding the case. All these particulars were stated in my despatch of the 27th ultimo for your excellency's information and action. The case occurred last spring, or more than half a year since; and there can hardly

be any other reason why you have not learned all its features than the intentional dilatoriness of Mr. Seward, as any one may see. This statement is not the first, but the second, therefore; and it was owing to the high regard I have for you that I was induced to delay for six months, or more, before pressing the matter.

In reference to your remark that there should be no partiality shown, it may be observed that Mr. McCready, having himself confessed that the 192 kegs of powder belonged to him, and no one else had implicated him, has thereby completed all the evidence wanted, and removed all grounds for partiality. The truth of the whole affair is, that the case is a plain violation of the treaty, and Mr. Seward should not try, as it appears, to screen the offenders by needless delay in settling it. It is proper, therefore, for me to bring it again to your notice, and request that he may be strictly enjoined to proceed with the case and punish the criminals as required by the treaty. The matter is very important, and it is for this end that I now send this communication.

His Excellency ANSON BURLINGAME,

United States Minister to China.

February 3, 1864—Tungchi, 2d year, 12th moon, 26th day.

Note in reply.

LEGATION OF THE UNITED STATES,

Peking, February 6, 1864.

SIR: In your communication of the 27th ultimo, respecting the firm of H. Leighton & Co., which has been engaged in trading with gunpowder, the date of the transaction was not stated; and in the one written last April, there was nothing stated respecting the 192 kegs of powder, so I inferred that the present was a new transaction. I therefore trust that you will excuse the mistake in my reply. As nothing has been received by me concerning this whole proceeding of last April, I supposed it had been already settled at Shanghai, and have not, therefore, written to urge its speedy settlement; but I will do so now, and enjoin on the consul general to investigate and decide it according to treaty. When he has informed me of his action, I will reply to the present despatch officially for the information of your imperial highness.

With compliments and best wishes, I have the honor to be, yours, most obediently,

ANSON BURLINGAME.

His Imperial Highness PRINCE KUNG, &c., &c., &c.

Mr. Burlingame to Mr. Seward.

No. 74.]

LEGATION OF THE UNITED STATES,

Peking, May 26, 1864.

SIR: I have the honor to transmit herewith the closing correspondence (marked A and B) in relation to the steamer Scotland.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,

Secretary of State.

A.

Note to His Excellency A. Burlingame.

APRIL 12, 1864.

Last December we were honored by a note from your excellency respecting the steamer belonging to Mr. Walsh, which had been seized by the customs authorities at Canton, and delivered to the magistrates for confiscation. We accordingly ordered the governor general at Canton to inquire into the case and settle it.

We have now received his report, in which he says: "The steamer Scotland was taking in contraband goods, as guns, powder, &c., while at anchor in Cum-Sing-Moon, and the collector sent down his revenue steamer Cumfa and seized her. By law and treaty she and all her cargo ought to be confiscated; but as the orders from the Foreign Office direct me to deal liberally in the matter, I have discharged her. It is very desirable, however, that this case should not be made a precedent."

As your note stated, so we now learn from this, that the steamer Scotland was taking in guns and ammunition, but they were from the United States, and were to be shipped to Japan, and not to be smuggled into China. We relied on your representation, and having detailed the circumstances to the local authorities at Canton, we directed them to liberate her.

Whenever cases arise between our countries, we trust that your excellency will repose the same confidence in what we say, for thus public business can be easily arranged and satisfactorily settled to the constant increase and permanence of the amicable relations between China and the United States. We therefore send this note for your information, and avail ourselves of the opportunity to wish you every happiness.

Cards of—

PAN-YUN,
WAN-SIANG,
TSUNG-LUN,
TUNG-SIUN,
HANG-KI, and
SIEH-HWAN.

B.

LEGATION OF THE UNITED STATES,

Peking, April 14, 1864.

GENTLEMEN: I beg to acknowledge your note of the 12th, respecting the seizure of Mr. Walsh's steamer, and that you directed her to be liberated on my representation of the facts of the case, and to tender you my sincere thanks for the same.

In regard to this affair of the Scotland, having gone into Cum-Sing-Moon anchorage to escape the storm, there to take in her freight, I may observe that, as all the circumstances connected with this infringement of the regulations, and the action of the Chinese government in the premises, have been understood, the foreign community in China has highly approved of its proceedings in thus discriminating between an unintentional violation of law like this and a deliberate purpose to break it. The case of the Scotland is therefore not likely to be quoted as a precedent.

If all cases arising between our respective countries are conducted with the same desire to do justly, their friendly relations will be more and more strengthened.

I avail myself of this opportunity to assure you, gentlemen, of the high consideration with which I am your obedient servant,

ANSON BURLINGAME.

PAN-YUN, WAN-SIANG, and others,

Members of the Foreign Office, Peking.

Mr. Burlingame to Mr. Seward.

No. 75.]

LEGATION OF THE UNITED STATES,

Peking, May 30, 1864.

SIR: Please find correspondence (marked A) with the Chinese government in relation to the notification of consuls; also circular to consuls with respect to Chinese documents (marked B;) also letter to Prince Kung (marked C,) notifying the arrival of Joseph C. A. Wingate to be consul at Swatow; also notice from Prince Kung (marked C) of the appointment of Mr. Mackay to Nin-chwang.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

A.

Prince Kung, chief secretary of state for foreign affairs, herewith makes a communication.

The governor of the province of Fuhkien, Leu, has sent the following minute: "In my opinion it would be well for the ministers of foreign nations residing at Peking to notify to the Foreign Office the full name of each consul who is appointed to a port, as is the usage now in this province; it can then be transmitted to the local authorities at that port, who, with the employes connected with commercial affairs, will all know it and can act accordingly. I therefore respectfully suggest this for the consideration and action of the Foreign Office."

It appears to me that whenever a foreign consul is designated to act at any of the maritime open ports, or along the Great river, at all which places they are continually engaged in official correspondence with the native authorities, it is very desirable that the full name of each one should be furnished to this office, in order that they, and all who are officially connected with commerce, may be able to act with the consuls in full accord at all times. The names of consuls appointed by the United States at Ningpo, Shanghai, Tientsin, Nin-chwang, Hankau, Fuhchau, and Kin-kiang, have all been made known to me; but if there have been any changes in these ports I wish that such may be notified; and also that the names of those at other ports may be given in, so that a full list may be available at this office. The names will then be forwarded to the respective ports for the examination of the custom-house and other officials, who will then know with whom they are to conduct their business. No person will then be able to assume the consular duties and carry on an official correspondence who is not authorized to do so, and, perhaps, thereby

give rise to much trouble and perplexity. The advantages of the course now proposed are likely to be great in the transaction of public business, and I submit the matter to your excellency's consideration, with the hope that you will favor me with a reply in accordance to these suggestions.

His Excellency ANSON BURLINGAME,
United States Minister.

February 13, 1864—Tungchi, 3d year, 1st moon, 6th day.

Mr. Burlingame to Prince Kung.

LEGATION OF THE UNITED STATES,
Peking, February 18, 1864.

SIR : I have the honor to acknowledge the receipt of your communication of the 13th instant, in which you remark, "That as consuls are appointed at all the maritime ports and those along the Yangtse river, by foreign countries, their names and surnames ought to be furnished to this office, in order that the local authorities may be informed of the same and know with whom they are to correspond. No person will then be able to assume the consular duties who is not authorized to do so, and thereby, perhaps, give rise to much trouble and perplexity."

To this I would reply that it has heretofore been the constant usage to furnish the names of every consular functionary to the Chinese government as soon as appointed. However, it occasionally happens that a consul, either from illness or imperative business, leaves his office for a while in charge of some other person and reports the same; the regulations of the consular service allow this practice. But in such cases the deputy consul will always use his own name in his official papers, and never that of the consul; but if such documents bear the consular seal, they can always be credited, and no doubt held of any person simulating it for sinister purposes.

I herewith append a list of the names of all the consular officers of the United States now in China for your information.

I have the honor to be your obedient servant,

ANSON BURLINGAME.

His Imperial Highness PRINCE KUNG.

Consul general at Shanghai, George F. Seward.

Consul at Canton, Oliver H. Perry.

- " " Amoy, Oliver B. Bradford.
- " " Fuchau, William H. Carpenter.
- " " Ningpo, Willie P. Mangum.
- " " Hankau, William Breck.
- " " Kin-kiang, Henry G. Bridges.
- " " Tientsin, S. Wylls Pomeroy.
- " " Nin-chwang, Francis P. Knight.
- " " Swataw, Joseph C. A. Wingate.

B.

Circular to consuls.

LEGATION OF THE UNITED STATES,
Peking, December 19, 1863.

SIR: It has sometimes occurred that when questions have been referred from the consulates to this legation for decision, that their examination has been much embarrassed for want of the Chinese documents connected with them, and it is deemed to be desirable, therefore, to mention to you the importance of enclosing copies of such papers, with their translation, in all cases of appeal to the minister. Your own judgment will enable you to select the important papers needed in each case.

I am your obedient servant,

S. WELLS WILLIAMS,
Secretary of Legation.

To UNITED STATES CONSUL at Canton, Shanghai, Hankau, Amoy, Fuchau.

C.

LEGATION OF THE UNITED STATES,
Peking, February 24, 1864.

SIR: I have the honor to inform you that the President of the United States has been pleased to appoint Joseph C. A. Wingate to be consul for the United States at Swataw, and that he has entered upon the duties of his office. I have to request, therefore, that instructions may be sent to the proper authorities to this end, to give him all the assistance in executing the duties of his office that may be necessary.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

His Imperial Highness PRINCE KUNG, &c., &c., &c.

Prince Kung to Mr. Burlingame.

Prince Kung, chief secretary of state for foreign affairs, herewith makes a communication.

On the 2d instant Mr. Hart, the superintendent of customs, reported as follows:

"I have sent orders to Mr. Mackay, an assistant in the custom-house at Tientsin, to proceed to Nin-chwang to take charge of the custom-house, taking with him such persons as are competent to aid him in the arrangements of the office. I have also directed the commissioner at Tanchon (that is, Chifu) to proceed overland to Tientsin, and assume the charge of the customs there."

Having learned this, I now inform your excellency of these arrangements, that the American consul at Nin-chwang may be notified thereof; and this is the object of the present communication.

His Excellency, ANSON BURLINGAME,
United States Minister to China.

February 11, 1864—T'ungchi, 3d year, 1st moon, 4th day.

Mr. Burlingame to Mr. Seward.

No. 76.]

LEGATION OF THE UNITED STATES,
Peking, June 1, 1864.

SIR: Though Mr. Seward has doubtless given you the details of the history and the trial and conviction of David Williams for murder, I will give briefly an account of my action in relation to his case. "He was tried for piracy and murder in the consular court, at Shanghai, and convicted." It was shown that he had attacked the *louba Maria* on the Yangtse, and was the leader in robbing and killing of three Chinese. The proof was complete. I accordingly issued the annexed warrant (marked A) for his execution, and addressed the letter of instruction (marked B) as to the conduct of the proceedings to be had at the executing to Mr. Seward.

A few hours before the time fixed for his execution Williams committed suicide, (see despatch 21 with enclosure, marked C.) After the conviction, and after the warrant for his execution had arrived, he claimed to be a British subject, but Sir Frederick Bruce, the British minister, refused to entertain his appeal. The above are the points where I came into relation to the sad affair.

But for the suicide Williams would have been the first man executed in China since the establishment of our consular courts. I am thus brief, because the papers, which are voluminous, have not been returned to me by Mr. Seward, for the reason, I suppose, that he had not clerical force to copy them; neither he nor I have enough assistance of that kind allowed us by the government, and it is physically impossible to copy those papers which appear to be necessary to illustrate the numerous cases we are called upon to participate in.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

A.

PEKING, *November 23, 1863.*

SIR: David Williams having been tried and convicted according to law of the crime of piracy and murder, by virtue of the power in me vested, as envoy extraordinary and minister plenipotentiary of the United States to China, and by act of Congress approved June 22, 1860, I order that the said David Williams, on the second Friday after the receipt of this, be hanged by the neck until he is dead.

This sentence shall be executed, under your direction as consul of the United States, at 10 o'clock in the forenoon of the above day, and this shall be your warrant for the same.

In testimony whereof, I have hereunto signed my name and caused [SEAL.] the seal of the United States to be affixed, at Peking, the 23d day of November, 1863, and of the independence of the United States the 88th.

Attest:

S. WELLS WILLIAMS.

GEORGE F. SEWARD,

Consul of the United States, Shanghai.

B.

LEGATION OF THE UNITED STATES,
Peking, November 23, 1863.

MY DEAR SIR : I have made out a warrant for the execution of David Williams, convicted of piracy and murder, and send herewith, at the same time returning the papers containing the evidence. I leave the details of the execution to your discretion, but it would be well for you to appoint a certain number, at least five, of the Americans in Shanghai to attend as witnesses on the occasion, who shall afterwards sign a report of the proceedings. As I return the papers connected with the trial, I shall be obliged if you will send me a resumé of the case, containing the leading facts which were found on the trial, for the records of this legation in so important a case—the first one involving life since the establishment of the United States consular courts in China.

I think it will be desirable to report the leading circumstances of the trial and execution to the Chinese authorities, that they may understand the case, as well as learn our determination to carry our laws into effect.

Yours, &c., &c.,

ANSON BURLINGAME.

GEORGE F. SEWARD, Esq.

O.

Mr. G. F. Seward to Mr. Burlingame.

No. 21.]

SHANGHAI, *March 3, 1864.*

SIR : Your warrant of execution of David Williams was received on Sunday, the 16th ult. It was duly read to him, and preparations made to carry it out. On Wednesday, the 24th ult., the prisoner became very ill. The certificate of his physician is enclosed ; he remained in a more or less unconscious state for several days. On Monday, the 29th, he was considered sufficiently well to undergo the penalty of the law, and was accordingly brought from his place of confinement in the British jail to the jail of this consulate.

On Tuesday morning, a few hours before the time set for the execution, he committed suicide. The circumstances were fully set forth in the enclosed printed copies of the report made by Mr. Howard to Mr. Lewis, and the medical certificates attached.

It is only necessary for me to add that I fully acquit the keepers of both jails from blame. This I do in view of the defective arrangements of the jail buildings, which render it impossible to completely isolate prisoners.

I think that you will approve my action in delaying the execution. It seems essentially inhuman to send a man into eternity who is quite ignorant of what is going on around him.

I have the honor to be, sir, your obedient, humble servant,

GEORGE F. SEWARD.

His Excellency Hon. ANSON BURLINGAME,

Minister Plenipotentiary, Peking.

SHANGHAI, *March 1, 1864.*

I hereby certify that D. Williams was seized with epileptic fits on the 24th of February ; that they continued for nearly two days, with short intervals between each fit. On the second day they were much less severe ; during the

third day he recovered his senses, and eat some food ; in the evening he had a relapse, the muscular spasms being much less severe than during the first attack. On Sunday morning he seemed to be in a semi-comatose state, but in other respects much better, and continued to improve until his removal from the jail yesterday evening, at which time he was fully aware of his position, and apparently prepared to meet his fate quietly.

F. C. SIBBALD, *M. D.*

Mr. Howard to Mr. Lewis.

SHANGHAI, *March 1, 1864.*

SIR : David Williams, the prisoner, was brought from the British jail by myself and Mr. Williams, consular constable, last evening, at about the hour of 6 o'clock, as directed by you. The transfer was effected without the knowledge of any, except those immediately concerned. He was placed in my own room in a bed made on the floor. He seemed quite strong and not averse to talking. The Rev. Mr. Thompson saw him when he was brought in, and Williams told him that he was ready to die. About half past 7 he asked if he could see Carol, who was in the room below. I said, "yes," and brought him up. They talked about their old comrades, and Williams wondered that so many men who had committed crimes should go unpunished, while he was so hardly treated. He said, "that it was not proven that he had killed either of the Chinese ; the statement of one of the witnesses, that three men who came on board had each killed a man, was a mistake. One man shot two, and another shot a third." My impression was that he meant that he was the person who killed the two Chinamen. He also said, that if he had known as much then as he did now, he would have shot the French captain, as he had a fair chance to do.

There was more conversation, but the substance of the whole is given in the above. Afterwards, about 9 o'clock, he turned in, smoked a pipe and went to sleep, and slept quietly most the whole night. About 6 o'clock Mr. Williams awoke me, and said the prisoner had burst a blood vessel. I went to him, and saw that no blood had come from his mouth. I then raised his head, and found a wound a little forward of the left ear. A moment after I found the knife. It is an old three-bladed penknife, with the small blades broken out ; the remaining blade was worn round at the point, but had been brought to a keen edge, as if it had been whetted upon a stone. He lived nearly an hour ; he said no word, and did not even groan, or make a movement of any kind, except twitching of the face and eyes. Mr. Williams had been in the room and passed out immediately before the act was committed. He was not absent more than two minutes, as he tells me.

The matter was duly reported to yourself, and by your direction to Dr. Boone, but the man was beyond being helped.

Very respectfully, your obedient servant,

E. HOWARD,
United States Marshal.

SHANGHAI, *March 1, 1864.*

I hereby certify that I have examined the corpse of D. Williams, who had been sentenced to death, and pronounce that he committed suicide by cutting his throat.

W. G. HAY, *M. D.*

SHANGHAI, *March 1, 1864.*

On Tuesday, 1st of March, I was called about 6 a. m. to see the murderer, Williams. He was lying in a pool of blood and was just dying. The wound which caused death was on the left side of the neck, and had severed the principal arteries.

H. W. BOONE, *M. D.*

Mr. Burlingame to Mr. Seward.

No. 77.]

LEGATION OF THE UNITED STATES,

Peking, June 2, 1864.

SIR: I have the honor to send the papers (marked A, B, C, and D) in the case of James White, who was tried and convicted of murder in the consular court at Shanghai, November 23, 1863. I issued a warrant for his execution, but before the time arrived he made his escape, (see despatch from Mr. Seward, marked D,) and has not yet been retaken. Mr. Seward calls my attention to his despatch to the department, under date of February 5, and says he would feel obliged if I would add something to his representations. I do not think that I can add anything to strengthen his statements. His language is exceedingly warm, but you would pardon him if you knew how he was put to it to get on with the limited means furnished by the government. He came up here a few weeks since quite in despair, and determined at once to resign. I begged of him not to do so, but wait the action of the government. I do not know how I can state our needs out here more strongly than I have already done. In my despatch No. 25 I gave the force and the pay of the English out here. Now we have the same laws to execute, and the same diplomatic questions to consider. The English, in addition to their great force in China proper, have a superior court at Hong-Kong, where great trials take place; they have an attorney general, to whom all legal questions are referred by the minister and consuls. We have nothing of the kind. The consuls in the first instance meet the legal questions, and then they are appealed to me. I am compelled to decide them that business may go on; but while my decisions are in the archives here, and at the consulates, it has been physically impossible as yet to send them to the government. This is true also of my diplomatic cases. In the concession cases, the flotilla, the Scotland, and Burgevine affairs, and the efforts to secure action against the southern cruisers, I have only been able to give you the merest outline of their history. Dr. Williams has all he can do in the Chinese department—indeed he needs an assistant. I have, therefore, no one to write for me. Sir Frederick, who has precisely the same questions to consider, has three interpreters, two attachés, and ten consular pupils, and he keeps them all busy. The Chinese government, to conduct business with us, besides their natives, have a numerous staff of most intelligent foreigners in the customs service. Mr. Hart, who is at the head, receives about as much salary as our President; the assistants receive \$9,000 per annum, and are furnished with a house to live in. I do not ask that our salaries shall be raised—save only the salary of the consul at Shanghai—but that the force shall be increased to the necessary working force. I am for the strictest economy, both at home and abroad, to relieve the government somewhat, and yet meet our wants. I made, in despatch No. 57, a most careful plan for the use of the money now in hand here. I do hope that you will see to it that that plan shall not fail for the want of consideration. I invoke again your personal interest in it. I shrink from making suggestions in the present condition of our country, and yet I hope, by the careful manner in

which I have made them, that I have now sufficiently the confidence of the government to secure respectful attention to the recommendations I am, from time to time, compelled to make. I feel deeply grateful to you and the government for the attention, in the storm of home affairs, you have given to the little I have been able to do.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,

Secretary of State.

A.

COURT OF THE UNITED STATES CONSULATE,
Shanghai, November 23, 1863.

UNITED STATES *vs.* JAMES WHITE.

James White is committed for trial for a capital offence, for that, (as the inquisition duly holden saith,) at this port of Shanghai, at or about the hour of 10 p. m., the 17th instant, he committed an assault and inflicted a mortal wound upon the body of one Samuel Webster, which was done feloniously and of malice aforethought, and resulted in the death of said Webster.

GEORGE F. SEWARD,

United States Consul, acting judicially.

UNITED STATES CONSULATE,
Shanghai, November 18, 1863.

An inquisition to inquire into the death of one Samuel Webster.

Henry Brunk being duly sworn, says: I am employed at Butler's house; I collect his rents; I was in bed at the time of the murder. At half past nine I was in the bar-room with Webster, Smith and White. We were talking in a joking way. We stopped there till about fifteen minutes of ten o'clock, when we went up to bed together—i. e. Webster and myself went up first—Webster first, I after him—and began to undress. Webster went outside on the steps and saw White in the yard coming towards the room. Meanwhile we both undressed and went to bed. White spoke to Webster, saying that he had some business with him and wanted him to come down in the yard and have a private talk with him. Webster told him he had better go to his room and go to bed; that he was drunk then, and that he would see him in the morning. White still insisted on his going into the yard. I then spoke to White, advising him to go to his room. He replied it was none of my business—it was a private affair between Webster and himself. Some ten minutes elapsed, during which time White was urging Webster to go into the yard with him. Webster replied, wait until morning. During the time they were talking Mr. Smith came into the room and went to bed. I tried several times to persuade White to go to his room, but he would not. He then took two or three steps towards the door, at the same time asking Webster if he was going to give him a share. Webster said he would, and then I heard the report of a pistol. I heard two shots and then rolled over in bed, with my face toward him, and raised myself up in bed, and then he fired the third shot. Webster was at this time in Smith's bed. I sprang out of bed and caught the pistol with my right hand,

and put my left on White's shoulder. I wrenched the pistol from him and threw him on the floor. I called to Mr. Smith and gave him the pistol; I told him to open the window and call the bar-keeper, who came up and I gave White in his charge. I then went to Webster and asked him if he was wounded. He did not reply. I then put on my coat and shoes and went and called Mr. Butler. When I came back, Webster was dead. I think it was four or five minutes from the time I went for Mr. Butler until I got back to the room. We then sent for the jailer at the United States consulate, and gave White in his charge.

Samuel Smith being duly sworn, says: I am at present in the Sung-Kiang force as military storekeeper. I am living at Mr. Butler's. I was in the room at the time of the murder. I saw White fire the two first shots directly at Webster. I saw Webster after he was dead. White wanted Webster to go into the yard and settle some dispute they had. Webster declined, and said he would see him in the morning. White was sitting on my bed when he started towards the door; and turning, asked Webster if he would go into the yard and settle the difficulty, or if he would give him a share. Webster replied he would. White almost immediately pulled a pistol from his breast pocket and fired at Webster, who was sitting up in bed at the time. Webster then sprang over on to my bed and cried out to White not to shoot, and got out of bed just as White fired the third shot.

Dr. H. W. Boone being duly sworn, says: I went to see the man Webster, and found upon his left breast a bullet wound. The ball must have gone directly through his heart. I was shown a wound in the groin, but it did not look to me like a pistol wound. It appears like some old disease. The wound in the chest was sufficient to cause death.

R. W. BOONE, *M. D.*

SHANGHAI, CHINA, 33:

An inquisition taken for the people of the United States at the United States consulate in said Shanghai, the 18th day of November, A. D. 1863, before B. R. Lewis, deputy consul for said Shanghai, upon the oaths of H. K. Drake, B. Binninger and J. L. Dubois, good and lawful men of said Shanghai, who being duly sworn to inquire on the part of the people of the United States into all the circumstances attending the death of Samuel Webster, and by whom the same was produced, and in what manner, when and where the said Samuel Webster came to his death, do say upon their oaths, as aforesaid, that one James White, of said Shanghai, on the 17th day of November, 1863, at ten o'clock on the evening of that day, with force and arms, at the said Shanghai, did then and there feloniously, violently, and with malice aforethought, make an assault upon the body of Samuel Webster, there present, and that the said James White, with a certain revolver which he held in his right hand, violently, feloniously, and with malice aforethought, inflict a mortal wound upon the left breast of the said Samuel Webster which caused his instant death. And so the said jurors do say, that the said James White did feloniously kill and murder the said Samuel Webster, against the peace of the people of this port and their dignity.

In witness whereof, as well as the deputy consul, the jurors aforesaid have to this inquisition set their hands and seals on the day of the date of this inquisition aforesaid.

B. R. LEWIS, <i>Deputy Consul.</i>	[L. S.]
H. K. DRAKE.	[L. S.]
BYRON BINNINGER.	[L. S.]
JAMES L. DUBOIS.	[L. S.]

B.

UNITED STATES CONSULATE COURT,
Shanghai, November 23, 1863.

In the cause in which the United States is plaintiff, and James White is defendant, charge murder, before George F. Seward, consul, Charles E. Hill, L. H. Stoddart, J. Schenck, C. P. Blethen, associates.

The parties being before the consul and the associates duly sworn, the charge has been read to the prisoner, who has been asked whether he pleads "guilty or not guilty." The prisoner in reply says, "I plead guilty." The consul advises him to plead not guilty, which he does; and on being asked what he had to say, replied as follows: "I was drunk, and did not know what I was doing. Webster was owing me money and would not pay me; he was sitting upon the bed, and feeling under his pillow as if to get a pistol. I have no witnesses, and nothing further to say. I confirm my evidence given upon the inquisition."

Henry Brunk being duly sworn, says: I repeat my evidence given upon the inquisition. White appeared to be intoxicated; his clothes were muddy as if he had fallen down in the mud; his pants were quite muddy; when he came into the room he staggered some. Webster had no pistol; I examined his bed after the murder. Webster was shot while in his bed. I did not see the first two shots; I was lying with my back towards him. White seemed to be a steady, quiet person; I never knew of his being engaged in anything of this sort before.

Samuel Smith being sworn, says: I was present at the murder, and repeat my evidence given on the inquisition. White was very drunk at the time. One shot took effect in the thigh; we supposed at first that it went in the groin; the third did not take effect. I have always seen White very steady, but have only known him a short time—say a month. I never heard White and Webster have any angry words together; they were always very friendly. Webster was sitting up in his bed with his hand under his pillow as if feeling for a pistol. I think that was what made White shoot. I cannot swear to the pistol; it was like the one produced in court. White was about four paces from Webster when he fired. He fired before Webster had taken his hand from under the pillow. Webster's tone was angry when he rose up, and said, "Yes, I will give you a share;" and with that he put his hand under the pillow. He lifted up the pillow as if looking for something under it. He usually carried a pistol, but had none at the time, as his bed was examined and none found.

Judgment.—The court finds the prisoner guilty of murder, and assesses upon him the punishment of death by hanging.

GEORGE F. SEWARD,
United States Consul, acting judicially.

Approved:

LYMAN H. STODDART,
CHARLES E. HILL,
JAMES SCHENCK,
CLEMENT P. BLETHEN,
Associates.

UNITED STATES CONSULATE,
November 23, 1863.

I hereby certify that the foregoing minutes on inquisition to inquire into the death of one Samuel Webster, and of the trial of one James White, are true and correct copies of the originals on file in this consulate.

In witness whereof, I have hereunto set my hand and seal of this consulate [L. s.] on the day and year last above mentioned.

JOHN L. SEWARD,
Clerk of Court.

C.

Mr. G. F. Seward to Mr. Burlingame.

CONSULATE OF THE UNITED STATES,
Shanghai, November 25, 1863.

SIR: I have to perform the duty of enclosing the minutes of a consular court held on the 23d instant. The charge was that of murder. The prisoner plead guilty, but believing that he was not aware of the technical significance of the charge, and hoping that extenuating circumstances might be elicited, I advised him to alter his plea. This he did; but nothing was elicited which would justify the court in bringing in any other judgment than that of death.

I am, &c., &c., your obedient servant,

GEORGE F. SEWARD,
United States Consul.

His Excellency Hon. ANSON BURLINGAME,
United States Minister.

D.

Mr. G. F. Seward to Mr. Burlingame.

SHANGHAI, February 15, 1864.

SIR: I have the honor to acknowledge the receipt of your two despatches of the 26th ultimo. I take occasion to inform you that James White, convicted of the murder of Samuel Webster, broke jail about a week since. I have offered a reward for his recapture, but as yet no trace of him has been made known to me.

I have taken the occasion to write to the Secretary of State concerning the lack of jail and office accommodations for the consulate. I enclose you a copy of my despatch, and would feel obliged if you are able to add anything to my representations.

I have the honor to be, &c., &c., &c.,

GEORGE F. SEWARD.

His Excellency Hon. ANSON BURLINGAME,
Minister Plenipotentiary, Peking.

Mr. Burlingame to Mr. Seward.

No. 78.]

LEGATION OF THE UNITED STATES,
Peking, June 3, 1864.

SIR: I have the honor to forward the papers relating to the trial, conviction, and execution of John D. Buckley, at Shanghai, April 1, 1864. He, like Williams, claimed to be a British subject; but the claim was not allowed. A rigorous effort was made by Mr. Eames, the counsel of the prisoner, to secure a reference to the President; but I could not see my way clear to grant his request. Such men as Williams, White and Buckley had so long escaped punishment that they had come to believe that they could take life with impunity. The United States authority was laughed at, and our flag made the cover for all the villains in China. I felt that any relaxation of our purpose to punish the guilty would only aggravate the evils of our situation. That the lawless would find fresh inspiration in the uncertainty of punishment. The result has shown the wisdom of the course taken. There has been a regular exodus of foreigners from China since. I received from Sir Frederick Bruce the following letter, which is in proof of what I say:

“PEKING, *April 15, 1864.*

“MY DEAR SIR: Mr. Adkins, our vice-consul at Chin-Kiang, in writing to me on the decrease of rowdyism on the Yangtse river, states, ‘the steps taken by the United States consul general of Shanghai will have the best effect. I do not hear of many acts of violence now.’ You will be glad of this impartial testimony to the soundness of his action in the cases of Williams and others.

“Yours, sincerely,

“FREDERICK W. A. BRUCE.”

The French admiral stated the same thing to me. Buckley was one of the worst villains of his class, and would have been lynched, probably, had he been taken on the evening of the murder of Captain McKennon. Please find the papers marked A, B, C, D, E, F, G, H, I, J.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

A.

Mr. G. F. Seward to Mr. Buckley

CONSULATE OF THE UNITED STATES,
Shanghai, January 18, 1864.

SIR: You are aware that you are held in custody for trial upon a charge of murder. My intention, not less than my duty, is to allow you every facility to defend yourself. In order that you may not delude yourself with any false hope of frustrating the law by declaring yourself of different nationality than American, I call your attention to your declaration to her Britannic Majesty's consul at Nagasaki; also to your letter to Mr. Walsh. It will be well for you, therefore, to see your case thoroughly defended; therein is your only hope.

You will be allowed to choose a lawyer yourself. This must be your own expense, as no provision is made for legal services in prosecution or defence by the United States government; I trust to see counsel upon both sides, however.

You will be allowed three days to secure your lawyer; after you have chosen, a selection will be made by me on the part of the United States. You will then be furnished with a copy of the commitment. Upon trial you will be allowed to challenge the associates, and any reasonable objection made on your part will be considered. The number of associates is four; three, with myself, form a competent court to try you, and the judgment made [requires] only the assent of the minister to make it final. Your trunk, pistol, and \$30 in money are in my hands; you will please hand over the key of the former, and, after examination, it will be handed the jailer for your convenience. The money you will probably leave in my hands to remunerate, in part, your lawyer.

I am, sir, your obedient servant,

GEORGE F. SEWARD, *Consul General*.

J. D. BUCKLEY, Esq.

Mr. G. F. Seward to Mr. Buckley.

CONSULATE GENERAL OF THE UNITED STATES,
Shanghai, January 25, 1864.

SIR: One week has elapsed since I wrote, stating that you would be allowed three days to secure a lawyer, and that when your choice was made known to me I should furnish you with a copy of your commitment. I am not yet in receipt of any information regarding your choice of a lawyer, although a much longer time has elapsed than I expected. I have now to inform you that your trial will be docketed for Monday of next week. I enclose a copy of your commitment.

Your obedient servant,

GEORGE F. SEWARD, *Consul General*.

J. D. BUCKLEY, Esq.

COURT OF THE UNITED STATES, CONSULATE GENERAL,
Shanghai, January 25, 1864.

John D. Buckley stands charged with having, on the evening of the 22d day of May, 1863, wilfully and maliciously, and without provocation, caused the death of one Captain John McKennon, against the peace of the people of the United States.

CONSULATE OF THE UNITED STATES,
Shanghai, China, ss:

An inquisition taken for the people of the United States at the International hotel, in the port of Shanghai, China, on the 24th day of May, 1863, before me, George S. Porter, deputy consul of the United States, in and for said port, upon the body of Captain McKennon, then and there lying dead, upon the oaths of J. S. Brown, Captain J. S. Dolliver, Captain Abbot, Captain McKay, W. C. Clemens, and J. E. Wainwright, good and lawful men of said port, who, being duly sworn to inquire on the part of the people of the United States into all the circumstances attending the death of the said Captain John McKennon, and by whom the same was produced, in what manner, when and where the said McKennon came to his death, do say upon their oaths aforesaid, that one J. D. Buckley, of Shanghai, on the 22d day of May, 1863, at 7.30 o'clock in the evening of

that day, with force and arms, did, at Shanghai aforesaid, then and there feloniously and violently make an assault in and upon the body of Captain John McKennon, then present; and the said J. D. Buckley, then and there, with a pistol which he held in his right hand, did violently and feloniously inflict a mortal wound in the abdomen, about four inches above, to the right of the navel, the ball passing through his body and lodging on the right side of his spine, near the surface, of which mortal wound the said John McKennon died at the hour of 3.15 o'clock p. m. on the 22d day of May, 1863. And so the said jurors do say, that the said John D. Buckley did, then and there, feloniously, mortally wound and murder the said Captain John McKennon, against the peace of the people of this port.

In witness whereof, as well the said deputy consul as the jurors aforesaid have to this inquisition set their hands and seals, on the day of the date thereof aforesaid.

GEORGE S. PORTER.	[SEAL.]
J. S. DOLLIVER.	[SEAL.]
J. H. BROWN.	[SEAL.]
W. C. CLEMENS.	[SEAL.]
J. McKAY.	[SEAL.]
C. L. ABBOTT.	[SEAL.]
JAMES E. WAINWRIGHT.	[SEAL.]

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COURT OF THE UNITED STATES CONSULATE GENERAL,

Shanghai, January 25, 1864.

John D. Buckley stands committed for trial on the first day of February next, for the crime of murder, as more particularly set forth in the attached report of inquisition.

GEORGE F. SEWARD,
Consul General, acting judicially.

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COURT OF THE UNITED STATES CONSULATE GENERAL,

Shanghai, February 1, 1864.

In the case in which United States is plaintiff, John D. Buckley defendant; charge murder; before George F. Seward, consul general, acting judicially; eight associates called in.

W. Scott Fitz has heard of the case, and thinks he is biased against the prisoner—told to stand aside. G. M. Boyd is also biased against the prisoner, and stands aside. Mr. E. Hawkins is called, to whom the prisoner objects without any questions—he stands aside. Mr. J. M. Nixon thinks he can sit and give an impartial verdict—he is accepted. Mr. T. W. Stillman is of the same opinion, and is accepted. Mr. A. L. Freeman is also accepted. Mr. H. C. Endicott knows nothing of the case, and is accepted without further questions.

The court is composed of the following gentlemen: George F. Seward, consul general United States of America; H. E. Endicott, A. L. Freeman, T. W. Stillman, J. D. Nixon, associates; E. Lawrence, attorney for the prosecution; T. B. Eames, attorney for the defence.

JOHN L. SEWARD, *Clerk.*

Objected to by prisoner:

Prisoner claims the right to be tried by a jury of (12) twelve men, and objects to the court consisting of the consul general and four associates, as unconstitutional in a case of felony.

Objection overruled.

The prisoner, upon being asked by the court whether he is guilty, or not guilty, pleaded not guilty.

Charles J. Ashley, being duly sworn, says: I am a sailmaker by trade. I remember the evening of the murder; cannot say as to date, whether it was the 22d or 23d of May. I was stopping in the large house on the French Bund known as General Wade house. I had my meals at the International hotel. I arrived there on the evening of the murder. I saw the prisoner; he was dining that evening at the International hotel. The deceased, Captain McKennon, was also among them that evening. They were sitting nearly opposite to each other. My attention was called by hearing some loud talking and harsh language—so much so, that I spoke to the proprietor of the house. I heard some of the remarks, but do not remember what they were. The subject was secession. The conversation commenced about that. The parties were Captain Abbott and Captain McKennon. They were at first talking about the trouble in the United States. They were not excited. I could not hear all that was going on. The prisoner took part at the end of the conversation. He sat on the opposite side from me. During this high talk, the prisoner got up and left the room. Dinner was not over then. The deceased went out some six or ten minutes after. The prisoner said, as he went out, that he would make the deceased answer for that, or words to that effect. I did not hear deceased make any reply to that. When deceased went out he said, in a quiet manner, that it was always his way to allow everybody to have his own opinion. I left shortly after the deceased left. I went into the hall. As I was going from the dining-room, I saw two parties scuffling in the office—the prisoner and Captain McKennon. They seemed to be fighting; were clenched together as they came out. I was close enough to rub against them. I saw then the prisoner with his left arm around McKennon's neck. As they came to me the prisoner was stooping. I saw him take a pistol from his sleeve or his breast pocket, I cannot say which; the gleam of the lamp was upon it, and I knew it was some weapon. The prisoner placed it up against the deceased, and I heard the report; it was almost against the deceased. The prisoner then stepped back and passed me, and then turned round and faced the whole party with the revolver in his hand. I saw it distinctly. I could not identify the pistol. I was the next one to the prisoner. I said, "Buckley, don't shoot here." He said, "I will, by God." I heard the pistol click, but cannot say whether it snapped on a bad cap or whether he was cocking it. I ran back into the dining-room as quick as I could; some more were then in there. We shortly after went out and assisted Captain McKennon up stairs; I staid with him and helped to undress him. When he was laid upon the bed I saw the wound; it appeared to be in the pit of the stomach. I saw Dr. Walden feeling the back of the deceased. I did not see the prisoner after that. I did not see the deceased give the prisoner any provocation. I knew nothing of Captain McKennon. I am quite sure that the prisoner is the man who fired the pistol; I am positive of it. Knew nothing of the prisoner before that, except that he was a boarder in the house.

Cross-examined by defendant's attorney.—The dispute was about secessionism; they were discussing that subject. I am prepared to say, that the prisoner answered the captain—he was talking about that. I can't remember the words; he used harsh language. Prisoner was addressing a person opposite. I cannot say whether there was any conversation with Captain Abbott;

do not recollect the language used ; do not remember Captain Abbott's addressing the prisoner about the San Francisco vigilance committee. The prisoner was talking to Captain McKennon. I do not know what the prisoner said. The dinner was not finished when the prisoner went out. The deceased went out five to eight minutes after the prisoner ; I went out with several others, among whom were Dr. Walden and wife, Mr. Lozey and wife. I saw the scuffle when I was going out of the dining-room. I saw the parties coming out of the office door. The prisoner had his left arm around Captain McKennon's neck ; they were both in a leaning posture. The captain is a large man ; not much larger than the prisoner. I saw him distinctly after he was laid upon the bed. I cannot say that he was much stronger than the prisoner, but he was an older man. I am sure that the deceased did not have the prisoner's head under his arm. I could not tell what the pistol was. I saw the gleam of light upon it ; could not tell whether it was a revolver or not. The prisoner was dressed in a long dark coat. There were half a dozen people about there. I did not see any blows struck ; I am positive that I saw no blows ; I was looking right at them ; they appeared to be scuffling out of the door. I cannot tell what the Captain did ; he might have been striking, but I did not see it. No one was taking any part in it. Mr. Lozey, Dr. Walden, Dominick Lynch, were present. Lynch was close to me ; I saw him in the dining-room afterwards. Do not remember any others at present, except Captain Abbott, and Mr. Dow, owner of the bark Emily Banning. No one was interfering when I was looking at them. The struggle did not occupy a half minute after I saw the discharge of the pistol. I was not acquainted with Captain McKennon. I heard of the reward that was offered for the prisoner ; I offered to subscribe my share. I never paid, as they never came to me for anything. I heard no one offer to lynch him ; am not aware that any one carried a rope in his pocket to hang him with ; never heard that before ; have heard talk if he had been caught, it would have gone hard with him. He would probably have been lynched. I have no opinion on that subject. Did not notice the captain at the table. He did not appear excited—he was cool ; was not angry. Did not appear to have been drinking. I will not say that the deceased had not been drinking at the table ; he sat at the same side that I did. Do not remember seeing him rise from his seat ; did not keep my eyes on him ; was eating my dinner. I did not get through before the others. Others went out with me ; do not know why. Captain McKennon came to the hotel that night. Did not hear it stated that he was looking after Dominick Lynch, or that he had a quarrel with him. There was something snapped about the pistol after the shot was fired. I distinctly heard a click. Could not see whether he took it from his pocket or his sleeve. The prisoner was leaning over sidewise in the scuffle. His coat was a long, dark-colored one. I did not aid the United States marshal in searching for him. I gave information to French police, and inquired several times about the prisoner. Did not see any blood on the prisoner's face ; he was facing me a short time. I wanted to get away from the pistol. His face might have been hurt, but I did not see it. Do not know what bystanders said ; there was a great deal of confusion after the pistol was fired. I heard no remarks like, "Give it to him, captain." Was not acquainted with the prisoner, no more than he was a boarder in the house. Do not remember hearing Captain Abbott charge the prisoner with having been sent away from California by the vigilance committee. Do not know who spoke first about the vigilance committee. I heard nothing about it ; could not hear everything that was said. Prisoner said, when he left the room, he would make him answer, or something like that. Am not positive as to the words he used. I do not remember the prisoner telling Captain Abbott that he lied ; did not hear the deceased say, "You are no gentleman." I heard something that he would make the deceased answer. I heard distinctly, also, something about a gentleman, but I do not know who it came

from. I cannot give any idea of position of the bystanders. Do not know whether there was any interfering.

W. C. Waldron, being duly sworn, says: I am a doctor by profession. Was a boarder there in May, 1863, and dined there, as usual, on the evening of the 22d of May. Captain McKennon and the prisoner also dined there that evening. I was not sitting near the prisoner, but at the other end of the table, on same side with prisoner. I heard them talking, but could not understand any particular part of the conversation, as I was too far off. There was considerable loud talk. I saw Buckley leave the table. He said, as he was going out, "I'll see you after dinner." Heard no reply to that. Doctor Kennief and deceased then left the table. I saw the prisoner and deceased were coming into the hall from the office. Captain McKennon had the prisoner by the hair, and was using his fist. I then heard the report of a pistol immediately after. Captain McKennon said he was shot. Did not see the pistol. Took deceased up stairs from the dining-room; attended him professionally. The wound was in left side of the abdomen, and came out at the spine. Deceased said Buckley had shot him. Was not with him when he died, but a few minutes before. Do not know whether he made any statement before he died. Have seen him frequently. He was a very good, clever man. Never heard any one say anything against him. He was of a pleasant disposition, so far as I can judge. Did not see the origin of the scuffle.

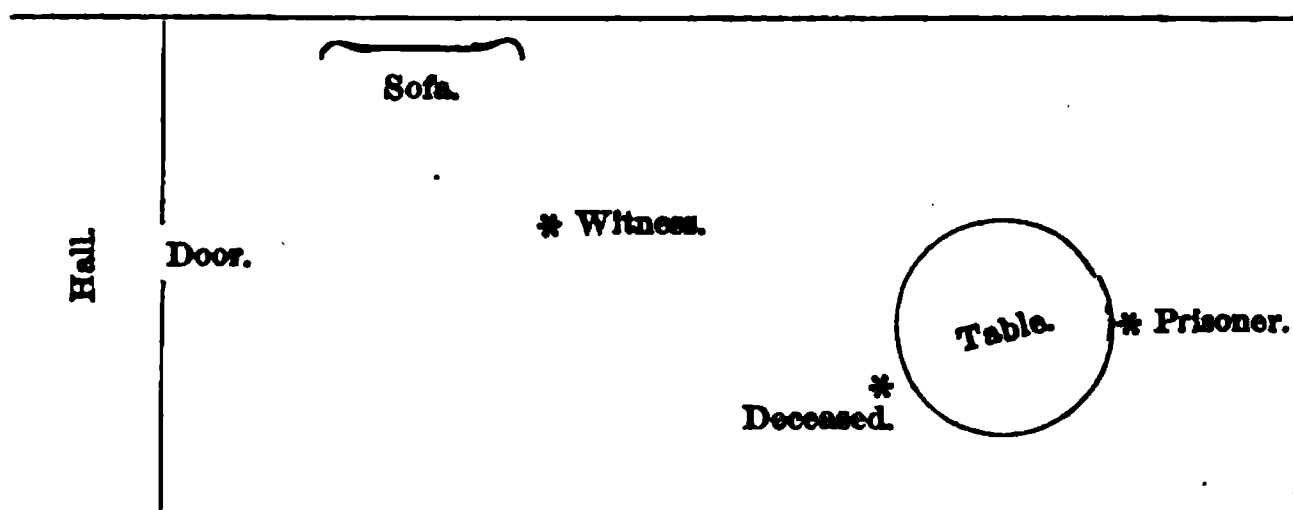
Cross-examined.—Could not hear what they said. Do not remember seeing Captain McKennon rise from his chair. They scuffled from the sitting-room or office into the hall. There were a great many people in the hall—say from ten to twenty; could not tell exactly. They seemed to be rushing out from the office. I did not see any one taking part in the scuffle; was getting my family out of the way of it. Did not see any wound on the prisoner's face. Was there only a few seconds. Went into the hall after the shot was fired. Don't remember when Mr. Ashley left the table. Know Mr. Lozy. He was at the table, and came out with me. Position of the prisoner was fronting the door. Captain McKennon was coming out first. McKennon seemed to have Buckley by the hair. He was a powerful, thick-set man; was an invited guest of Doctor Kennief. Do not know of any others coming with him. Did not hear any conversation about McKennon being in search of Dominick Lynch; did not know of their having any quarrel. Have known Captain McKennon about a month—from the time he arrived up to his death. Knew him by visiting his vessel; had no particular acquaintance with him. Do not think he was a quarrelsome man. Do not think I could find out his disposition in a month. Was not aware there was any difficulty between Lynch and McKennon about the affair. Was slightly acquainted with the prisoner. Do not remember how he was dressed; think he had a long, dark coat on. The light in the hall was not good; it came from the dining-room. Can't say whether there was a lamp in the hall. Had not heard of the struggle until I opened the door; from what I saw, thought it had been commenced in the office. I continued to board at the house some time after the affair. Heard some talk about lynching the prisoner if he was captured. I was one of the persons that were looking after him. Heard persons say he would be lynched; heard Dolliver say it. I think he would have been lynched at the time if found. Am not aware that people went about with ropes prepared to lynch him. When I saw the prisoner his head was down. Captain McKennon had his hand on his head, and was putting it down. Heard something about vigilance committee—not distinctly. Did hear something about McKennon saying that he was no gentleman.

B. Kennief, being duly sworn, says: I am a dentist by profession. Came to Shanghai the beginning of May, 1863, in the Emily Banning, of San Francisco. Deceased was master of her. Remember the evening—22d of May. Was a

boarder in the house. The deceased was a guest of mine. On the evening of the murder he sat on my left at the table. The prisoner sat on the opposite side. I heard the conversation between Captain Abbott and the deceased about the north and the south. The prisoner took part in it. Cannot describe exactly what he said. Know he took part in the conversation. Cannot say what took place exactly. The parties were not excited, in my judgment. Buckley at the latter end appeared to be excited, and went from the table first. Going out he said, "When you come out I'll see you," or words to that effect, addressed to Captain McKennon. Deceased made no reply, that I recollect, nor did he appear excited when Buckley left. Five or ten minutes after the prisoner left, I went out, followed by the captain. I went into the sitting-room. Deceased also came in there. The prisoner was then there. I was conversing with Mr. Dow, the owner of the *Emily Banning*, and Mr. Eckfeldt, a clerk of Russell & Co., who was a passenger in the *Emily Banning*. Immediately after the captain came in there were some words took place between the prisoner and the deceased. Then I saw the prisoner strike the deceased over the head with a stick or cane. They got clinched, and commenced fighting, and went on until they got into the hall. The next I heard was the report of a pistol. I did not see the prisoner fire it, but the universal cry was Buckley had shot the captain. They then took the captain up to a room. I followed immediately, and saw where he was shot. Saw no more of the prisoner after that. Am quite sure I saw the prisoner strike the captain first. The captain was a man of exemplary character; he was liked by his officers and passengers; perfectly sober man, and, I think, would be incapable of commencing a quarrel.

Cross-examined.—I am not a particular friend of Captain McKennon. Was with him sixty-two or sixty-three days—the passage over. Was one of the parties at the dinner-table. Do not remember all the remarks made, or that deceased said prisoner was no gentleman—don't recollect. Cannot say whether I heard the prisoner say anything before the vigilance committee subject was brought up. The discussion was between the prisoner and Captain Abbott; the origin about "secession." Captain Abbott introduced the subject of vigilance committee, to the best of my recollection. Captain McKennon did drink occasionally; was my guest that evening. There was wine on the table, but we were not drinking freely—a bottle of claret between two of us. Do not know that any one came to the hotel with deceased. I think prisoner went into the sitting-room after me. The deceased went in there. Saw the prisoner when he went into the sitting-room. First saw prisoner strike deceased on the head with a cane; that was the first I saw, and am confident that was the first of the quarrel. Did not see Dolliver there. Dow and Eckfeldt were there. Did not see Captain Abbott there. Do not recollect Mr. Parsells being there. The prisoner struck deceased with a cane. I will swear that he struck him on the head or shoulders. The prisoner was on the opposite side of the room from me; and hearing high words passing between him and deceased, I looked and saw prisoner strike the deceased in the way I have represented. Was not looking that way before, as I know of. Can swear the deceased did not strike the first blow. There was no striking on the part of the deceased. I was looking in that direction when the captain came in, so there could not be any striking. Did not follow them out of the room. Saw them in contact with each other. After they got into the hall I saw no more of it. Did not follow my guest out. Do not think he was in the room more than a minute before the blow was struck. Do not know what was said. I was about the middle of the room. The table was between the prisoner and me. The deceased's side was towards me. I do not know exactly whether he had arrived at the table or not; it was not exactly between the prisoner and me. The prisoner was sitting right back of the

table. The deceased was getting his hat from off it, and was facing Buckley. Did not try to arrest the prisoner. Did not hear that they intended to lynch him.



Do not remember of hearing about lynching. I expressed no opinion that I wished he was caught, and punished accordingly. I did not offer any opinion whether he ought to be lynched or not. Do not recollect the high words that passed. Do not know who fired the pistol. The position of the parties the last time I saw them was close together, tussling like. Do not know the deceased had the prisoner by the hair. I saw no mark upon the deceased, except the pistol shot. Did not see the prisoner's face bleeding. Do not know the weight of Captain McKennon; he was a small, strong man—stronger than the prisoner, and heavier. Cannot remember who was present, or if those present took part in the struggle or not. I know no one interfered while they were scuffling in the office. I heard Captain Dolliver say, "Let them be." I was under the impression that the prisoner was rather getting "jessie" than otherwise. There was a number crowding in. Captain Dolliver's language I cannot account for; no one offered to interfere during the time they were in the room. The prisoner had a long black coat on. I cannot tell how many crowded around; might have been more than 5; don't think more than 20 when they got into fisticuffs. I do not know how many men there were in the hall. Dolliver was within a few feet of them when he made the remark; am not sure he was close enough to take hold of one of the parties. I did not crowd in with the rest; there were people between the parties and myself. I can say it was impossible for anything to occur I did not see; do not undertake to swear positively that no person interfered. Do not know whether Captain McKennon was in the habit of carrying a pistol.

T. W. Eckfeldt, being duly sworn, says: I was passenger in the Emily Banning, from San Francisco; had abundant opportunity to judge of the character of Captain McKennon; thought it good; never saw him intoxicated; he was very much liked by his passengers and crew; never saw him use violence towards any one; was at the hotel on the evening of the 22d of May; went there to see Dr. Kennief, who was also a passenger in the Emily Banning, and was boarding at the International hotel at the time. It was dinner hour when I arrived; I called at Dr. Kennief's room; found he was not in. I sent my card to him in the dining-room, and the proprietor showed me a seat in the sitting-room. I remained there about fifteen minutes when a stranger to me came in. He was talking, but what he said I do not know. Cannot be positive as to the subject. Ten or twelve minutes after the first person there were three or four gentlemen came in the sitting-room from the room opposite, which I believe was the dining-room. The next I heard was a scuffle between parties in the room. As soon as I heard this I ran out of the room into the hall to the door of the long hall of the hotel, some distance from the office. A few moments after this I heard the report of a pistol; stopped some five minutes after, and heard persons saying Captain McKennon was shot; did not see the prisoner

after that. I saw the captain after he was put to bed ; he said to me, I am shot, but did not mention names.

Cross-examined.—Never saw Captain McKennon excited ; did not see him before he was shot—that is, did not know it was he who was scuffling. I ran from the room as soon as I could ; there was one or two there when I first went in ; before I left three or four came in with the captain ; afterwards three or four more came in from the opposite room. I was sitting on a lounge when two or three came in, and I then heard the commencement of the struggle ; was talking with Mr. Dow ; no other person was talking with me. Dr. Kennief had just come in from the dining-room, and said “ Good evening ” to me, but nothing more ; the room was full when I broke and ran away ; did not know any of them ; have not seen any of them since to know them ; there were four or five mixed in the scuffle when I saw it in the office ; never thought Captain McKennon was quick-tempered.

J. D. Riley, being sworn, says : I am foreman to Mr. Ashley. The evening of May 22, 1863, I was stopping at the International hotel ; arrived that evening. The prisoner and Captain McKennon dined there that evening. I sat near the door next to the prisoner—he on my right and Captain Abbott on my left—and Captain McKennon sat right opposite. The conversation commenced between Captains Abbott and McKennon about the trouble at home in the States. After a while the prisoner took part in it, when it turned upon a privateer schooner that was fitted out in San Francisco, which was captured and taken back. Captain Abbott was telling McKennon, when the prisoner joined in and said the privateer was right, and he hoped she would succeed. The prisoner left the table soon after—eight or ten minutes before the rest. He made some remark to the captain about settling with him when he came out. The captain replied, Very well ; you are a gentleman. I left the room about the same time as the deceased, and went into the office a little behind him ; he picked up his cap from off the table ; the prisoner rose and struck him two or three times over the head ; they then closed in, and had a fist-fight of it ; as they were going round the table it tilted and upset the lamp ; the globe fell to the floor, but I caught the lamp, and held it in my hand ; as they got to the door I put the lamp back on the table and followed them out ; just as I got to the door I heard the report of a pistol ; I saw the prisoner ; the pistol was in his hand ; he seemed to be in the act of firing the second time ; as he was backing down the hall some one asked if the captain was shot ; he walked towards the door and Captain Dolliver took hold of him ; he began to unbutton his vest, and Captain Dolliver walked off with him ; I did not go up stairs.

Cross-examined.—I sat near the door ; Ashley sat near the other end of the table. There were about thirty-six people at dinner, I should think. Table 25 or 30 feet long ; might be less ; about 18 people on a side ; might have been 20 or 30 ; do not recollect the first words of the conversation ; the first I heard the prisoner say was, the people that sent the privateer out were right ; did not pay much attention, it did not interest me ; I am rather deaf ; the prisoner seemed to be talking with Captain Abbott, who asked him what made him say so ? The captain did not arise in his seat when he said prisoner was a gentleman. I understood that he meant it ; the latter part of the conversation was about the San Francisco vigilance committee. The captain made no remark about a gentleman before the prisoner left the table ; prisoner was going out when the remark was made. There were five or six persons in the office when I went in. I went out of the door with the captain, but he was in the office before me. I stopped to get my cap ; was about seven feet from Buckley ; when he stood up he was close to the table. I saw the scuffle until they got to the door. The lamp did not go out ; was occupied a short time putting it to rights ; know Captains Lynch, Dolliver, Abbott, and Purcells were there ; do not remember any one else ; there were others—about six people in the office—

don't think there were more; have seen Dr. Kennief; don't know whether he was there or not; did not see Mr. Eckfeldt; will swear there were not twenty; there were only two taking part in the scuffle. I heard some one say "Let them go;" did not hear anything else said; did not see any one touch either party; will swear no one interfered in the office; did not see Dolliver interfere; was not ten feet off; was not trying to get into the crowd. Dolliver is a medium-sized man; have seen Mr. Dow; did not notice where he was; Dow and Dolliver were larger than me; all were taller men than me; there was quite a crowd between the prisoner and me; the prisoner was nearest to me; the crowd followed them up; there were blows struck by both in the scuffle; Buckley had his hands on the deceased; the captain appeared to be trying to get off; did not see him have his hands on the prisoner, nor on his head; he might have; did not see blood on the prisoner's face. Saw the prisoner strike the deceased about the neck and shoulders with a light cane; he struck more than once. Saw Captain McKennon after he was shot; did not see any marks on his face; the prisoner raised the stick and did strike him; there were two lamps burning in the hall; have been with Ashley as foreman ten months; have not frequently discussed this case with him. Ashley did not tell me what he testified the other day; did go into hall; was in the door when the shot was fired; there were a number there, say fifteen or twenty; cannot remember any others; do not know their names; the prisoner had a long dark coat—black suit on; the light was only a little dim; did not hear anything said in the hall; only Lynch said, "Let them go." Did not hear any one say "Give it to him, captain;" I have no interest in this case for or against the prisoner.

G. S. Stephens, being duly sworn, says: I am a pilot; I was dining at the International hotel May 22, 1863; was a boarder there, and sat next to Captain McKennon the evening of the murder; Dr. Kennief sat the other side of him; the prisoner sat nearly opposite. The conversation began about a schooner which was fitted out in San Francisco to go down and take the mail-steamer. It was carried on by deceased and Captain Abbott. The prisoner did not join in at that time. It then turned to the Alabama, Florida, and other confederate privateers. Prisoner then joined in and said that "he wished there were more vessels fitted out as privateers; that he was a southerner and of southern principles, and thought their cause was right." They were not much excited at that time; then something was said about "vigilance committee;" do not remember what; do not know why the prisoner left the room; he left before the deceased, and said he would see the deceased after dinner as he was going out of the door. The deceased said "Very well, if you are a gentleman;" deceased left in ten or twelve minutes. I did not leave until some time after. After the pistol was fired, was sitting in the room; when I heard the report, I saw the deceased coming in with other parties, and heard him say he was shot. Did not see the prisoner afterwards.

Cross examined.—The prisoner sat nearly opposite Captain Abbott; was on the same side as the prisoner; four or five persons between them, as near as I can remember; I was not acquainted with either party before; have not referred to the conversation; have not talked it over. Dr. Kennief was at the table next to deceased. He did not appear excited, and had very little to say. I noticed the deceased, he was drinking wine; he did not appear excited; did not rise in his chair at the time he said "You are a gentleman." It was not said in a sarcastic manner. Captain McKennon was respectfully cool. I thought they were perfect friends. I cannot say how long I boarded in the hotel—three weeks, I think. There were about thirty boarders. Table was about fifty feet long; imagine he was toward lower end, opposite the door; do not know whether they could hear where Ashley sat; think they could hear considerable, if they were listening. Conversation was general. Captain McKennon addressed Captain Abbott, and the prisoner spoke when the Alabama and Florida were mentioned.

Am sure the prisoner took part in the conversation before the vigilance committee was named; they first seemed to get excited when the vigilance committee was brought up; the prisoner was talking with deceased and Captain Abbott. Abbott first mentioned the "vigilance committee;" do not remember the conversation on that subject; do not know if he was provoked by some remark of the deceased; do not remember that they appeared angry; did not see any one excited, except the prisoner, when he left the table; I did not take notice who else went out; know Ashley by name; cannot say whether he went out before me or not; the majority had gone out: only four or five remained. The report was just as I was getting up; heard the prisoner say he was a southerner; do not know that he is; did not search for the prisoner after the murder; nor did J. L. S. subscribe to the reward, or pay anything towards it.

Hugh Kennedy, being duly sworn, says: I know C. J. Ashley; saw him last Monday, the first day of this trial. I was standing outside when he came out and spoke to a witness; he told him he must be careful—be on his guard—"you must be very particular in what you say." He asked how the trial was going; he said all right. I did not hear Ashley tell Kelly that the captain was struck first; he did not tell witness which to say struck first.

James Scott, being duly sworn, says: I am steward of the Steamship Navigation Company's steamer Hu-Quang. The 22d of May, 1863, I was steward of the International hotel, and I carved at a side table, and overlooked the boys. My attention was called (I was in and out of the kitchen and wine cellar) to a conversation. The deceased dined with Dr. Kennief; I recognize the prisoner as having been there; I heard them talking politics; they got rather wrathful about vigilance committee in San Francisco. Mr. Dow was at the house; he sent a chit in by me to say he wanted to see the captain after dinner. I went into the office and saw Mr. Dow and another gentleman there. Buckley was sitting near a round ring-po table with Captain Lynch. I wanted to deliver the chit to the captain; he came in with Dolliver, Abbott, and others. Buckley had a cane in his hand. I spoke to the captain, saying there was a person waiting to see him. Buckley then rose and struck the captain, saying, "If you are a man resent that, or defend yourself;" and then a scuffle ensued. Did not hear either make any other remark. They scuffled towards the door, the deceased striking the prisoner. About three minutes elapsed in scuffle to the passage-way, and then I saw a weapon in prisoner's hand; could not tell what it was; immediately after I heard the report of a pistol. Ashley was on the opposite side; he said, "Buckley, don't shoot anybody here." He had then fired, and had the pistol in his hand, cocked, and replied, "By God, I will." Backing himself out of the passage, I saw no more of him. The captain was carried up stairs and his wound examined. They had a hand-to-hand fight. I was within two or three feet of the prisoner when I saw the glance of the pistol. I saw Purcells run. The deceased had no weapon in his hand; saw him strike Buckley with his fists; did not see Buckley return the blow, when they were scuffling, after he struck with the cane. I had heard nothing of the deceased before he said "By God, I am shot!"

Cross-examined.—I keep the wine cards. Dinner was nearly over; when I went out some had left the table; there were persons there generally. I generally sold considerable wine; do not remember how much Dr. Kennief ordered; he went in with deceased. I remember snatches of conversation. The cane was a small ratan; the prisoner struck deceased over the shoulders; it was intended as an insult to the captain, and he had no chance to speak before Buckley struck him. Buckley was standing up; Captain Lynch was sitting on a chair. I did not get farther than the middle of the room; there was a sofa in the corner of the room. Buckley was at the table, about eight feet from the door; he advanced towards the captain as he came in, and made the assault. The people interfered to part them; saw no one strike except the captain. I

know Dolliver; he was in the crowd and tried to part them. The deceased had the best of the trouble. Abbott also tried to part them. Do not remember the deceased having hold of the prisoner's hair. Lynch said, "Let them be." I lived there a month and a half after that. There were from fifty to sixty people there to dinner; most of them had left the table and gone out. I heard of people searching for Buckley; heard say if he was caught he would be hung; do not think any lynching would have been done; did not interfere. Could not say how many blows were struck. Was a witness here before, on Lynch's trial. The deceased had no chance; to my mind, he could whip Buckley; did not see any blood on prisoner's face; saw deceased strike the prisoner a good many times, and he did not strike back; am not sure that he did not address any remarks to the prisoner. I never saw any one have a pistol there before. Do not know who came with deceased to the hotel; when the dinner bell was rung they all came in together. Abbott and Kennief lived in the same house. Do not remember Dolliver speaking about Lynch; Dolliver was very much annoyed, and took a prominent part; do not remember hearing him say "Let them be;" Lynch said that; the other did not wish to see anything of the kind going on; they tried to pull them apart—tried to pull the captain away; cannot swear which they pulled on; did not see prisoner after the struggle; did not see blood on his face. There were good lights right over where the fight occurred. They were all in the hall together. I have seen the prisoner before; he boarded at the hotel a month and a half; he had never been in a row before, and always conducted himself properly. Never heard Dolliver say anything about the prisoner. The prisoner kept company with Dominick Lynch. I have been in Shanghai about eight months.

Case closed for the prosecution.

S. B. Quick, being duly sworn, says: I was in Shanghai in May last, and remember the 22d instant. I know the prisoner; saw him between eight and nine o'clock that evening; he had the appearance of having been in a scuffle with some one; he was bruised and cut on the cheek; it was not bleeding when I saw him. I asked if he had been hurt; there were spots of blood upon his shirt-bosom. I knew of the search that was made for him; I was living in a Chinese bazaar; they searched there for him; Baron, the pilot, Clemens, Hathaway, and Dolliver were the parties; they were around my house. I asked them what they were there for. They replied, to find Buckley; that it would not be well for him if they found him.

Cross-examined.—I made a statement on the 25th of May before the consul. I met Barker that night. I remember Langan; he was in my house; he came in; Barker saw me first; Buckley was up at my house, and he wanted me to go up; I went up and saw Buckley there; that was the occasion that I saw blood; he told me he had been at the dinner table, and that a discussion arose, about which I knew nothing, and Captain McKennon struck him; and he showed me the marks and said there were two or three others struck at him. That is all I remember of; he said that McKennon struck him.

Edward Dias, being duly sworn, says: I have not been acquainted with the prisoner long; saw him the night of the murder; it was between seven and eight o'clock p. m., on the 22d of May. He was disfigured about the face; blood on it and sores. I fancied that he had been struck by the blood.

Cross-examined.—His appearance was not as if he had been in a severe row or fight. He did not speak to me. I saw him on the "Bund;" did not speak. I saw him as he went by; I knew him by sight; I remarked to a party in the house about it. I am in her Majesty's jail now for desertion.

William Richards, being duly sworn, says: I was in Shanghai in May last. Knew the prisoner by sight; he came into Langan's the night of the affray. He was cut in the right eye, and had blood on his face and shirt. Some parties came into Langan's and tore up the floor looking for Buckley; they asked for

all of the small-arms in the house; I told them I had no small-arms, but would give them a bottle of brandy. Did not know McKennon; did not speak to the prisoner that night; his eye was cut, face scarred, and face bloody. I did not ask him anything about it.

Case closed for the defence.

The court finds the prisoner guilty of murder, and assesses upon him the punishment of death by hanging.

Assented to:

GEORGE F. SEWARD,
Consul General, acting judicially.
H. O. ENDICOTT.
A. L. FREEMAN.
T. W. STILLMAN.
J. M. NIXON.

COURT OF THE UNITED STATES CONSULATE GENERAL,
Shanghai, February 13, 1864.

I hereby certify that the foregoing is a true and faithful copy of the original documents on file in this office.

[L. S.]

JOHN L. SEWARD,
Clerk of Court.

B.

SHANGHAI, ss:

On the 1st of February, A. D. 1864, John Buckley was arraigned as John D. Buckley at Shanghai aforesaid, before George F. Seward, United States consul general, and four associates, without a jury, on the following charge:

"John D. Buckley stands charged with having, on the evening of the 22d day of May, 1863, wilfully and maliciously, and without provocation, caused the death of one Captain John McKennon, against the peace of the people of the United States." To which charge the said Buckley, having first claimed a trial by jury, *pleaded not guilty*; and he was, on the 4th day of February aforesaid, by the court aforesaid, found guilty of the crime of murder; all of which fully appears by the record.

And now the said John Buckley, by his attorney, J. B. Evans, prays that said judgment be arrested as erroneous; and for error assigns—

1st. That the said Buckley was not indicted or presented by a grand jury, as required by Article V of the amendments of the Constitution of the United States of America.

2d. That said Buckley was not tried by a jury, as required by Article VI of the amendments aforesaid.

3d. That the charge does not support the judgment, inasmuch as it contains—

1. No allegation that said Buckley is a citizen of the United States.
2. No statement of the place where the offence charged was committed.
3. No charge of malice prepense.
4. No statement of the manner of death.
5. No statement of the time of death.

6. No statement that said McKennon died of a wound inflicted by said Buckley, or that said Buckley inflicted upon the body of said McKennon a wound in its nature mortal.

4th. That the assessors or associates were permitted to separate and go about their ordinary business for two days after the commencement of the trial.

Finally. That the judgment is not supported by the evidence, there being—

1. No sufficient evidence of malice prepense.
2. No evidence that said McKennon *died* of a wound inflicted by said Buckley, or that said Buckley inflicted upon the body of said McKennon a wound necessarily mortal.

The precise nature and extent of the power conferred, or intended to be conferred, by the acts of Congress giving to the consuls and ministers in China judicial power, may be matter of doubt. As, however, the decision of the consular court, in a capital case, must be referred to the minister for his sanction, it would seem to follow, as a natural consequence of the minister's power to examine, that he would have power to set aside a judgment manifestly erroneous.

Where it is apparent on the face of the record that the consular court has no power to convict, there would seem to be great hardship in keeping the prisoner in confinement until the case can be corrected by the President. Moreover, if the judgment was improperly rendered, the prisoner has, in common justice, a right to have it reversed, instead of being obliged to sue for pardon of an offence never committed—or, what is in law the same thing, not proved; and unless the power to reverse the decision of the consular court is vested in the minister, it has no place under the acts referred to. Should your excellency decline to reverse the decision of the consular court, I pray that the execution may be stayed, and that the case be submitted to the President.

1st and 2d. As to the first and several objections, it is submitted that the case is too clear for argument. The amendments of the Constitution, V and VI, expressly secure, in cases like the present, the right to a trial by jury, and only on indictment or presentment by a grand jury, and an act of Congress authorizing a trial in any other manner is so far void.

The word "jury" has, by long usage, received a precise signification at common law, and through the common law, as such, has no place in the federal courts; yet it is always to be consulted for the definition of words used in the Constitution or laws of the United States; and when the word "jury" was used in the Constitution, a common-law jury must have been intended.

But, admitting that a jury may consist of a less number than twelve, the argument is the same; for the "associates" cannot, in any just sense, be deemed jurors, as, except in capital cases, the consul decides irrespective of the opinions of the associates.

The extritoriality of the proceedings cannot affect the question. Congress has no power not delegated to it by the Constitution; and that territorial limits of the power cannot exceed those of the instrument from which it is derived.

3. But, aside from the unconstitutionality of the court, the defects in the proceedings are fatal to the judgment, for—

1. The charge contains no allegation of citizenship, and in the absence of such allegation it does not appear that the court had jurisdiction, the presumption being that all offences committed without the limits of the United States are out of the jurisdiction of the United States courts until the contrary is shown. Upon the 9th Geo. IV, c. 31, giving the courts of Great Britain jurisdiction of offences committed by British subjects out of her Majesty's dominions, it has been held that the indictment must contain an allegation of citizenship.

2. No statement of the *locus in quo*. This objection, like the last, goes to the jurisdiction, but it also leaves the charge undefined, and it would be impossible to plead this judgment effectually to another trial for the same offence.

3. Any indictment for murder becomes an indictment for manslaughter upon erasing the words "malice prepense," which is the very essence of the crime of murder.

4. No statement of the manner of death. It does not appear from the charge whether death was caused by prisoner's stabbing or shooting. An allegation of the manner has always been claimed indispensable in indictment for murder, and its omission is fatal.

5. It is only by the dates of the proceedings that it appears that the death occurred within a year and a day after the wound was inflicted.

6. This objection goes to the whole body of the offence, and it is submitted, that unless the whole system of criminal proceeding is to be swept away, and the government is to be permitted to convict and punish, as the testimony may seem to warrant, without any previous charge, this indictment must be held to be unmistakably bad, and judgment must be arrested on that account.

4. If my view of the character of the associates be sustained, and they be held to be mere advisers of the consul, this objection falls; but if they are considered as judges, it was an error to allow them to mingle with the public for two days after the commencement of the trial.

Finally. The judgment is not supported by the evidence. I shall not urge the want of proof of deliberate malice, though it seems to me utterly wanting. The possession of a pistol by an old Californian, or even by a man who has been long in Shanghai, raises no presumption that a crime is meditated. That the prisoner always, as most Californians do, carried a pistol, is probably true; but on account of the absence of the only person who was intimately acquainted with his habits, his room-mate, it was impossible to prove this fact. Moreover, the prisoner engaged counsel on Saturday night, and the trial commenced on the following Monday, leaving an interval of one day for preparation. But as to the killing, there was absolutely no testimony, except that the prisoner discharged a pistol, and that John McKennon was wounded.

There was not one word of testimony to show that death did result from the shot, or that the wound inflicted by it was, in its nature, mortal. The testimony would barely support a charge of aggravated assault with a deadly weapon, and only by setting at defiance all the established rules of criminal practice could it be made to support a verdict of murder. All the precautions of the law have not, in all cases, preserved the innocent from conviction; and it is of vital importance to preserve intact all the safeguards of personal security and civil liberty,

In conclusion, I pray that your excellency will carefully consider the testimony in the case, even if the objections taken should be overruled, and recommend the case of the prisoner to the consideration of the President.

It will appear from the testimony, that at the time when the shot was fired the prisoner was struggling at great disadvantage with a man much more powerful than himself; that several persons, not one of whom was a friend of the prisoner, were interfering in the quarrel, though the nature of their interference does not appear, and was probably unknown to the prisoner, and that the prisoner was entirely without aid or hope of assistance. Can it be possible that, under such circumstances, a homicide, even if one were committed, would amount to murder? How many men would have hesitated to avail themselves of any means in their power to release themselves from such a situation? Where was the opportunity for deliberation?

I beg to suggest, moreover, that the prisoner's health is failing, and to urge the importance of deciding this question of the validity of the judgment, without the delay necessarily incident to a reference to the President, if possible. Confinement in his present quarters through the summer would probably prove fatal to the prisoner, and a reversal of the judgment would come too late.

J. B. EVANS,

Attorney for Prisoner.

NOTE.—If the finding of the coroner's jury should be made part of the case, I beg to object to its being so used, as it was not put in evidence at the trial and the prisoner had no opportunity to present his objections to said inquest.

J. B. EVANS.

His Excellency the Hon. ANSON BURLINGAME,
United States Resident Minister in China.

C.

Mr. G. F. Seward to Mr. Burlingame.

No. 17.]

SHANGHAI, *February* 13, 1864.

SIR : I have the honor to transmit to you, enclosed, the minutes of the consular court in the trial of John D. Buckley, for the murder of John McKennon, together with the objections taken by the prisoner's counsel, and a memorandum of same by myself.

I have the honor to be, sir, your obedient servant,

GEORGE F. SEWARD.

His Excellency Hon. ANSON BURLINGAME, &c., &c., &c., *Peking.*

D.

Memorandum concerning objections to decision in United States vs. John D. Buckley.

To the first and second objections no remarks are offered. If the act of Congress is unconstitutional, the undersigned will be glad to know it, as the idea of committing a judicial murder is abhorrent to him.

To the third objection, generally and in detail, he would remark that the commitment of the prisoner, of which the inquisition formed a part, is sufficiently full upon the points made, excepting as to the citizenship of the prisoner; this is dwelt upon in his original letter to him. Moreover, the citizen does not even claim that he is not a United States citizen.

To the fourth objection the undersigned finds no prohibition in the act against such separation.

To the fifth, if the evidence does not prove malice aforethought, the minister will be able to correct the opinion of the members of the lower court as to an alleged want of evidence that McKennon *died*, and from the effects of a wound inflicted by Buckley; the undersigned believes that the evidence offered will leave no room to doubt on this point. Moreover, the prisoner does not claim that he did not so die.

The undersigned is aware that he is not rebutting technical arguments in a technical way. He has no desire to do so, because he has never understood that the government expects that his court will be conducted with reference to the numerous formalities of courts at home. He submits that in this instance there is no reason to think that any injustice has happened to the prisoner from the manner of procedure, and that, on the contrary, if he is allowed to avail himself of the merely technical points raised, a great injustice will be done to the inimitable laws of right.

GEORGE F. SEWARD.

Shanghai, February 13, 1864.

E.

Mr. Burlingame to Mr. George F. Seward.

LEGATION OF THE UNITED STATES,

Peking, March 11, 1864.

SIR : John D. Buckley having been tried and convicted, according to law, of the crime of murder, by virtue of the power in me vested, as envoy extraordinary and minister plenipotentiary of the United States to China, and by act of

Congress approved June 22, 1860, I order that the said John D. Buckley shall, on the second Friday after the receipt of this, be hanged by the neck until he is dead.

This sentence shall be executed, under your direction as consul general of the United States, at ten o'clock in the forenoon of the above day, and this shall be your warrant for the same.

[L. S.] In testimony whereof, I have hereunto signed my name and caused the seal of the United States to be affixed, at Peking, this 11th day of March, 1864, and the 88th year of the independence of the United States.

ANSON BURLINGAME.

Attest:

S. WELLS WILLIAMS.

GEORGE F. SEWARD, Esq.,
United States Consul, Shanghai.

F.

Mr. Burlingame to Mr. George F. Seward.

LEGATION OF THE UNITED STATES,
Peking, March 11, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch (No. 17) informing me of the trial and conviction of John D. Buckley for murder.

After a careful examination of the proceedings of the consular court, and an attentive consideration of the objections made to the same by the learned counsel for the prisoner, I am constrained to approve of the conviction of the said John D. Buckley, and have accordingly issued my warrant for his execution.

You will be so kind as to observe in this case the general instructions contained in my letter directing the execution of David Williams.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

GEORGE F. SEWARD, Esq.,
Consul General, Shanghai.

G.

Mr. George F. Seward to Mr. Burlingame.

UNITED STATES CONSULATE GENERAL,
Shanghai, April 1, 1864.

SIR: The execution of John D. Buckley having taken place this day, pursuant to the warrant issued from your office on the 11th ultimo, I have to report as follows:

The despatch and warrant were received on the morning of the 24th ultimo. The same day the prisoner was brought before me and the warrant read to him. He remarked at considerable length upon the evidence adduced at the trial, declaring that certain witnesses had sworn falsely. He said, also, that he was not an American citizen; that he was born in Ireland; had lived some time in the United States, but had never been naturalized; that he did not shoot McKennon with a revolving pistol, as generally believed, but with a Derringer; and that if he had had a revolver he would have used it again.

On Saturday evening, the 26th ultimo, I received a despatch from her Majesty's consul, Sir Harry Parker, K. C. B., a copy of which, and my answer is enclosed. This morning, at about 9 a. m., the prisoner was removed from her Majesty's jail to the jail building of this consulate. A force of twelve members of the municipal police acted as a guard in making the transfer, while as many more were on duty at the place of execution. The prisoner was placed in the lower room of the jail until the hour of 10. Admission was allowed to a relative of his, and to Pere de Jaques, one of the clergy of the Roman Catholic community of this port.

The details of the execution are sufficiently set forth in the accompanying certificate of the attending physician and of five of the persons who witnessed it.

It is a matter of much regret to me that the remark made by the deceased at the reading of the warrant for his execution, that he would have used a revolver a second time if he had had one, was reported in one of the local prints in a manner which, if correct, would have evinced the utmost depravity on his part. I had fully explained the manner in which the misreport had occurred to the previously named relative of the deceased, and would have done so to the public had I entertained any idea the same would be traced to any source other than that from which it actually sprung, or if the slightest intimation had been given that the prisoner felt himself aggrieved.

I have only to say, in conclusion, that I trust no similar duty will be imposed upon me again so long as I remain in this office. There is no reason, excepting the absence of appropriate legislation, why American citizens in China, charged with grave offences, should not have the privilege of a trial by jury as elsewhere throughout the world where the institution of civilization prevails. When such is the case, I think it not right to deprive those thus charged from a privilege so dear to all freemen, nor yet to impose upon a consular officer the responsibilities so grave as they are now obliged to assume.

The occasion also affords me an opportunity to speak of the disabilities which we are under in carrying out the present system. In this case, fearing to trust the rickety jail building of this consulate, I caused the prisoner to be confined in her Majesty's jail. For the expense thus incurred, together with a gratuity which I think it is right to hand the keeper, it is likely I shall have to provide from my personal income. I thought it right, also, for many reasons, to engage the services of a prosecuting attorney, the chief of which was, that it would be unfair to forbid the prisoner, who had no means of access to his witnesses, counsel for his defence, and still more unfair to the government to allow counsel for the defence without providing the same for the prosecution. Thus an expense of nearly \$200 has been incurred—an amount I would not speak of were there not so many drains upon my limited means—no portion of which I may hope to collect from the government. Similar expenses have been accrued in other instances, and we are continually liable to them.

I have the honor to be your obedient servant,

GEORGE F. SEWARD.

His Excellency ANSON BURLINGAME,
Minister, Peking.

H.

Mr. Parker to Mr. George F. Seward.

No. 100.]

BRITISH CONSULATE, *Shanghai*, March 26, 1864.

SIR: I have the honor to enclose, for your perusal, a letter or statement which I have received this day from Mr. Eames, the counsel for the prisoner, John D. Buckley, claiming for him protection as a British subject, although I learn the

prisoner has already been tried in your court as an American citizen, without any objection being taken at the time of trial to the jurisdiction of your court, and has been sentenced to undergo capital punishment for the offence of which he was found guilty. I am by no means, therefore, prepared to find that his claim to British protection can be sustained; but I should be glad to receive any information on the subject which you can kindly furnish me, and I would beg your attention to the closing remarks of Mr. Eames's letter, which allege that he was not charged with being an American citizen at the time of his trial. May I request you to return Mr. Eames's letter and the two papers enclosed when you have read them.

I have the honor to be, sir, your obedient servant,

HARRY S. PARKER, *Consul*.

GEORGE F. SEWARD, Esq.,

United States Consul General, Shanghai.

I.

Mr. George F. Seward to Mr. Parker.

No. 77.]

UNITED STATES CONSULATE GENERAL,
Shanghai, March 26, 1864.

SIR: I have had the honor to receive your despatch of the 26th instant covering enclosures which, as requested, are returned herewith.

The prisoner, Buckley, was not charged upon his trial with being an American citizen, but he was charged as an American citizen. You will note the wording of the indictment, which says, "against the people of the United States."

It was not thought necessary to inquire into the prisoner's nationality, for two reasons: because it has never been customary to do so in similar cases, but to accept the prisoner's own statement, and because Buckley had definitely surrendered himself to me for trial. I enclose a copy of a communication addressed by him to the United States consul at Nagasaki, which is in point. I was informed by the said official that Buckley, while in prison at that port, claimed British protection, but that upon being visited by her Majesty's consul he said that he was not a British subject. Buckley explains this by saying that he said he was not an Englishman, he now declaring that he is of Irish parentage. Buckley's counsel objected to the proceedings upon the trial, after the same had been concluded and the minutes had been prepared for transmission to his excellency Mr. Burlingame, upon the ground that it had not been proven that the prisoner was an American citizen. There was no claim made to me at that time or before that he was a British subject, but this was reserved until the decision of the minister had arrived. The case thus stands, in fact, quite the same as that of D. Williams, in which his excellency the British minister refused to interfere.

I need not say that, under other circumstances, the idea of assuming any power whatsoever over her Majesty's subjects would be extremely repugnant to me. The many difficulties arising from the mixture of jurisdictions and the impossibility of receiving evidence as to the proper nationality of individual criminals, are a sufficient excuse for a manner of procedure which otherwise would be highly objectionable.

I am, sir, your obedient servant,

GEORGE F. SEWARD.

Sir HARRY PARKER, K. C. B.,

Her Majesty's Consul, Shanghai.

The undersigned hereby certify that they were present at the execution of John D. Buckley, convicted of the murder of John McKennon, master of the bark Emily Banning, which took place as follows: At the hour of 10 a. m., the 1st day of April, A. D. 1864, the prisoner was brought from a low room of the jail buildings of the United States consulate general at Shanghai, up a flight of stairs to a verandah, and thence to the scaffold, which was constructed in front of the same, and the floor upon the same level. He was placed upon the drop, and asked by Mr. Lewis, the deputy consul, whether he had anything to say. He remarked, in reply, that he was innocent of the crime of murder, he having shot McKennon in self-defence; that he was of Irish birth, and had never denied his nationality, but he could forgive those who had perjured themselves upon his trial, and those who had informed upon him, but that he could not forgive Mr. Seward, who had caused the publication of alleged remarks of his at the time when his sentence was read to him, which was false. He then said that he had nothing more to say, and after repeating a few words of prayer after the attending clergyman, Pere de Jaques, forgiving his enemies and committing his soul to God, the fatal noose and death-cap were adjusted, and, at a signal, the support of the drop was instantaneously removed. He fell nearly ten feet, and hardly made a struggle. Upon subsequent examination it was shown that the vertebræ of the neck was dislocated by the fall, and it is probable that he suffered no more than a momentary pain.

The conduct of the deceased was remarkably firm and collected throughout. No evidence of emotion or of faltering spirit could be seen. His hands, which were pinioned behind, were tightly gripped, and the almost purple hue they exhibited when the preparations were complete evinced the point of tension to which his nerves were strained. His remarks occupied a period of perhaps five minutes, the substance of which is given above. At the end of a half hour—no sign of life remaining—he was taken down and placed in a coffin prepared by his friends.

The utmost care was taken by Mr. Deputy Consul Lewis and Mr. Howard, the marshal, and no untoward circumstance occurred to render the sad duty they were called to perform more difficult.

J. J. HOWARD.
JOHN P. BENNETT.
S. C. FARNHAM.
JAMES S. WHITMAN.
DAVID S. CAUNELL.

J.

SHANGHAI, CHINA, *April* 1, 1864.

I hereby certify that I was present at the execution of "John Buckley," examined his body, and pronounced life extinct.

W. G. HAY, M. D.

Mr. Burlingame to Mr. Seward.

No. 79.]

LEGATION OF THE UNITED STATES,

Peking, June 3, 1864.

SIR: Please find (marked A) - letter to Mr. Seward in relation to the question of jurisdiction at Shanghai. There is a constant tendency on the part of foreigners in making their municipal arrangements to aggress upon the rights of the Chinese, and it is necessary constantly to recall them to the safe ground of principle.

My short instructions to Mr. Seward, who agreed with them, as did the British consul and Sir Harry Parker, were, he informs me, just in time to aid the deliberations at Shanghai.

Seeing the determined attitude of Sir Frederick Bruce and myself, our citizens made their action conform to our views. Mr. Seward, in the general interest, came to Peking with the plan agreed on for a municipal government, according to the principles indicated by us in my despatch No. 37. To this Sir Frederick Bruce and I assented. Thus, at last, disappears practically as well as theoretically, as between us and the English, the vicious concession doctrines; and in the place of antagonism, we are now fused into one mass of strength, in exact conformity with our treaty obligations. I will write more fully of this matter when I shall receive from Mr. Seward the regulations, with an account of their operation.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

HON. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

A.

Mr. Burlingame to Mr. George F. Seward.

LEGATION OF THE UNITED STATES,

Peking, March 29, 1864.

SIR: I approve of your action in the case of David Williams, as set forth in your despatch No. 21. As I sent the original papers down to you, I have not the facts with which to make up my despatch to the government. Will you be so kind, therefore, as to send me a brief history of the case. As to the question of jurisdiction, I think we ought not to take jurisdiction of the Chinese in Shanghai, or the foreigners of the non-treaty powers, even though the Chinese authorities may desire it. Our object should be to strengthen the Chinese in the administration of their own affairs, and to see to it that they shall not shirk their treaty obligations. I indicate my views that they may be a guide to you in your discussions upon the subject.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

GEORGE F. SEWARD,

United States Consul General, Shanghai.

Mr. Burlingame to Mr. Seward.

No. 80.]

LEGATION OF THE UNITED STATES,

Peking, June 3, 1864.

SIR: In looking over your despatches, I find, in No. 23, you refer to me for settlement the controversy between the consul and the marshal of the United States at Shanghai.

Mr. Hugston died, as you were doubtless informed by Mr. Seward, soon after the controversy commenced, from the causes which led to it. I did not deem it necessary after the poor man was dead to spread out on the records any additional evidence to justify Mr. Seward. I only write now to suggest if it would not be well for you to instruct us in China, that, in all cases of conflict growing out

of the alleged improper conduct of an officer subordinate to a consul, the consul general shall have power to suspend such officer pending a reference to the minister at Peking, who, if he shall approve the act of the consul general, shall remove such officer, subject to the approval of the government. This course will secure fairness and deliberation, and relieve the service from unworthy officers. I have already, in despatch 72, indicated the course which I think should be taken in the case of consuls.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

MEM.—In consular despatch No. 82, of 1864, to Mr. Consul General Seward, this suggestion of Mr. Burlingame was practically carried into effect, the consul general being authorized to suspend the *consul* at Hankow pending investigation as to certain of his proceedings.

Mr. Burlingame to Mr Seward.

No. 81.]

LEGATION OF THE UNITED STATES,

Peking, June 4, 1864.

SIR: I have the honor to inform you that General Burgevine, after the successful efforts I made to clear his character, (see despatch No. 44,) and while still smarting under his fancied or real injuries, and before he had heard of the action of the imperial government, went over with a portion of his soldiers to the rebels at Soo-Chow. As far as I can learn he was well received, but, from his wounds, he had not sufficient energy to aid them. A bad feeling soon arose between his followers and the rebels, terminating in a plot to desert in a body back to the imperialists under Governor Li and Major Gordon. This purpose was communicated to Major Gordon, who, with the consent of the governor, successfully co-operated to secure the success of the plan. It was agreed by the governor that all who would come over should be pardoned, or not proceeded against by the Chinese government in the consular courts. Burgevine was included in this pardon, though he did not escape with his followers, but was subsequently released by the leader of the rebels, at the request of Major Gordon.

After he had escaped, Burgevine claimed that he had not deserted the rebels, and never intended to do so; that they were fine fellows, and, in short, left himself in an attitude of hostility to the imperial government, and subject to arrest and trial by his own. In this condition of his case it was left optional with him by Mr. Seward to stand a trial or leave the country. He consented to leave. He subsequently returned, was immediately arrested by Mr. Seward, and detained in confinement again until he agreed to leave the country again. Such, in brief, is the history of General Burgevine since my struggle with the Chinese government to secure his just rights. I regret the course he has taken. Up to the time when he joined the rebels his record was good; but now I am compelled to defeat his wishes as much as I was bound before to sustain them.

Please find the correspondence with the government in relation to this affair, marked A, B, C, D, and E.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

A.

Prince Kung to Mr. Burlingame.

Prince Kung, chief secretary of state for foreign affairs, herewith sends a communication.

A despatch was received yesterday from Li, the governor of Kiangsu, in which he states: "Since the return of Burgevine to Shanghai, I have heard that he has secretly joined himself to the insurgents of Suchau, and has been enlisting loose foreigners, of whom more than a hundred have successively gone over to them secretly; and, also, that he has been buying arms and cannon for them. I have informed the American consul, Mr. Seward, of these facts, that he may take measures to seize and deliver General Burgevine up to punishment; and have, myself, likewise sent orders to the officers in command of the advanced posts of the army to make all the search for him they can, &c., &c."

On learning these particulars, and referring to the thorough discussion which recently took place concerning the case of General Burgevine, and the very strong assurances given by your excellency that he had no communication with the insurgents, but if he had he ought to be severely punished; and furthermore, that, as he has now thrown himself into the service of the rebels to heartily aid them, which is not only a crime against China, but even more a disgrace to the reputation of the United States, I now inform you that General Burgevine has made himself liable to the extreme penalty of the law, if he presumes to return privately from the districts held by the insurgents; and if he is attacked by our troops he will justly bring upon himself his own destruction if he lose his life. I accordingly inform you of these things, that you may send such orders to the American consul as you may deem suitable.

His Excellency ANSON BURLINGAME,
United States Minister, &c., &c., &c.

August 19, 1863—Tungchi, 2d year, 7th moon, 6th day.

B.

Prince Kung to Mr. Burlingame.

Prince Kung, chief secretary of state for foreign affairs, herewith sends a communication.

The following despatch has recently been received from Li, the governor of Kiangsu:

"When Burgevine first went over to the service of the rebels it was generally reported that he was to get steamers for them by purchase or otherwise, and accordingly he laid plans to seize one by stealth, at Lin-Tien, on the river Hwang-Pee, and actually did capture the Kan-Kian, near the city of Sung-Kiang, and carried her off. After this feat he also repeatedly defeated our troops, but having turned the matter over in his mind, he became sensible of his error and sought to have his offence pardoned, and came back to us, bringing a party of foreigners in with him, who were all leniently treated and received.

"However, in September last Burgevine again went over to the rebels, under Chiung, and was engaged in the attack upon our forces at Ta-Kian-Koh, where they maintained themselves most bravely and proved victorious, burning the

steamer Kan-Kian, and driving Burgevine and the whole insurgent force back. Soon after, Gordon, by good management, induced several foreigners to leave that side, Burgevine coming away from it as well, having been assured by him and the English interpreter, Myers, that he should be received as before, and his desertion overlooked. This proceeding was reported to the foreign consuls, and further, that Burgevine was to be immediately deported, and kept under strict surveillance, nor allowed to loiter about Shanghai. The French consul, in his reply, advised that he should be handed over to the United States consul to be dealt with; but Consul Seward had a partial view of the case, and in his communications he would argue that the Chinese authorities were wrong, and Burgevine was right in joining the rebels; and then he concluded that the best thing to be done would be to have him sent away to his own country, and not punish him, now he had left the rebels."

From this statement it appears plain to me that Burgevine, by his joining the rebels, has not only lost all confidence from Chinese officers, but is a man despised by his own countrymen. In August last I informed your excellency of his presumption in going back and forth from the rebel quarters into our limits, and that if he should lose his life by our forces taking him, or wounding him, it would be the just recompense for his misdeeds. The present despatch from Governor Li informs me that he has reformed, and left the insurgents under the agreement that he shall not be punished for what is passed, and be required to return to his own country immediately. If he should be tried, and dealt with as our laws demand for helping rebels, it would be right to carry out the extreme penalty; but considering the very friendly relations now existing between our respective countries, and also that Burgevine had shown himself to be sensible of his wrong-doing, it will be proper, therefore, to treat him with unusual favor, and not inquire into his crimes, thereby showing the patience and goodness of his Majesty. But it is totally inexpedient to let him stay in the country, lest he be inclined to return to his former practices. And the object of this communication is to have strict orders sent to Mr. Seward to take measures to deport Burgevine to his own country, and to take every precaution that he do not linger in Shanghai, nor anywhere else in China, indeed.

If he lingers on in this country, or if, after he has gone home, he comes back to China, it will most clearly show that he has no sense of the great and undeserved favor now shown him; and it will be necessary, in that case, to arrest him, and concert measures with your excellency to try him for his crime in aiding rebels. In such circumstances it will be hard to let him off again with so lucky an amnesty as at present.

I shall expect a reply, as it is for this object that I now send this communication.

His Excellency ANSON BURLINGAME,
United States Minister, &c., &c., &c.

December 22, 1863—Tungchi, 2d year, 11th moon, 12th day.

C.

Mr. Burlingame to Prince Kung.

LEGATION OF THE UNITED STATES,
December 23, 1863.

SIR: I have the honor to acknowledge your despatch relating to General Burgevine, and beg to inform you that I have received information from the United States consul at Shanghai that he arrested him last month and held him

for trial, and did not allow him to go at liberty in Shanghai. But because of his wound received at Sung-kiang in fighting the rebels, which still was not yet fully healed, he desired a short delay to effect a cure, when he would leave China and return to America.

I have the honor to be your obedient servant,

ANSON BURLINGAME.

His Imperial Highness PRINCE KUNG.

D.

Prince Kung to Mr. Burlingame.

Prince Kung, chief secretary of foreign affairs, herewith sends a communication.

On the 25th ult. a despatch was received from Li, the governor of Kiangsu, and superintendent of commerce, covering a report from the intendant of circuit at Shanghai to the following effect:

"On the 25th of March, Burgevine, who formerly aided the rebels, landed at this place, and was arrested by the United States consul and put in confinement. I have to request that this information may be made known to the American minister at Peking, that he may enjoin the consul to instantly deport Burgevine, and thus carry out the original decision in his case."

It is well known that the offence of Burgevine, in aiding the rebels and resisting the authority of the government, is exceedingly heinous, and if he was punished according to Chinese law in such cases, he would be adjudged to the severest penalty; and then have no more than his deserts had brought upon himself. However, in consideration of our present amicable relations, and desirous to show more than ordinary regard, I will waive all further investigation in this matter, if your excellency will deport him to his own country. On the previous occasion Burgevine was allowed to remain awhile until his wound, then broken out again, should have somewhat healed up before he returned home. Why, then, did he not obey, and has now returned to China? If Mr. Consul Seward has already arrested him and put him in confinement, he should have sent him home according to sentence, that he might have no further opportunity to break our laws.

I therefore make this communication to your excellency, that you may enjoin on the consul at Shanghai the great necessity of immediately sending Burgevine back to America, and let him never set foot again in China. This is very important, and is the object of the present communication.

His Excellency ANSON BURLINGAME,

United States Minister to China.

May 1, 1864—Tungchi, 3d year, 3d moon, 26th day.

E.

Mr. Burlingame to Prince Kung.

LEGATION OF THE UNITED STATES,

Peking, May 3, 1864.

SIR: I beg to acknowledge your despatch of the 1st instant, respecting the case of Burgevine and his violation of the laws of China, and have now, in reply, to state that I have received a report from Mr. Seward, the consul general, to the following effect:

"This case of General Burgevine was settled and he has been ordered to return to the United States, when I heard most unexpectedly that he had come back. I arrested him, and kept him in confinement five or six days, but as there are no United States ships-of-war here, I have now sent him away in a merchant steamer, and she has already sailed; he is no longer in China."

I have, therefore, only to inform your imperial highness of these circumstances in the case of General Burgevine,

And have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

His Imperial Highness PRINCE KUNG, &c., &c., &c.

Mr. Seward to Mr. Burlingame.

No. 60.]

DEPARTMENT OF STATE,

Washington, June 4, 1864.

SIR: I have to acknowledge the receipt of your despatch of the 10th of March last, No. 64, and thank you for the interesting letter from Mr. Walsh about Japan, which accompanied it.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

Mr. Burlingame to Mr. Seward.

No. 82.]

LEGATION OF THE UNITED STATES,

Peking, June 6, 1864,

SIR: I have the pleasure to inform you that the Chinese government has agreed to the principal of the joint tribunal or mixed commission for the settlement of confiscation cases. The details will be left to be settled by the consuls with the local authorities of the ports. The tribunal will be first tried provisionally at Shanghai. This reform was equally urged by the ministers here, and may be considered, looking at the practical working of the treaty, as important as any yet achieved. The ultimate results will be that the cases relating to confiscations will be settled at the ports. Or, if not, the evidence which will come up to us will be agreed to by both sides, and be so arranged as to make a decision by us practicable.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

Mr. Seward to Mr. Burlingame.

No. 62.]

DEPARTMENT OF STATE,

Washington, June 11, 1864.

SIR: I have to acknowledge the receipt of your despatch of the 29th of March last, No. 67, enclosing a copy of a letter of thanks addressed by you to the Chinese government in regard to its action against the insurgent cruisers, which

is approved. I have to request that you will take an early opportunity to express in a suitable manner the thanks of the President for the prompt action of his Imperial Majesty's government on this occasion, and the high sense entertained by this government of the friendly spirit and just appreciation of international comity thus manifested.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

Mr. Burlingame to Mr. Seward.

No. 83.]

LEGATION OF THE UNITED STATES,
Peking, June 18, 1864.

SIR: Permit me, most respectfully, to call your attention to the letter (marked A) to Consul General Seward; it cost me much careful labor. I believe it is sound in its views and policy; and what strengthens me in this belief is, that my colleagues, after a most thorough examination of the points discussed, unanimously approved of it, and will send it to their governments as an authoritative exposition of their views. Sir Frederick Bruce, the British minister, informs me that he will send it to her Majesty's consuls for their guidance. I feel very grateful to my colleagues for their approval, and only hope to be equally fortunate with my own government.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

A.

Mr. Burlingame to Mr. George F. Seward.

LEGATION OF THE UNITED STATES,
Peking, June 15, 1864.

SIR: From many letters received by me from the ports, it appears that a misunderstanding prevails as to the extent of the rights and duties of American citizens under the treaty, and the regulations made in pursuance thereof. I have felt, therefore, that it might facilitate the administration of our affairs if I express my opinion in relation to these questions, and about which there has been controversy. I accordingly address you, and through you the other consuls and my countrymen, giving my construction of the treaty and regulations upon several disputed points, as well as a few directions in relation to ships, passports, &c., and some general suggestions in reference to the co-operative policy agreed upon by the representatives of the treaty powers at Peking.

I hold that the Chinese government has the right, as an incident of its unyielded sovereignty, to enforce its own revenue laws, and to make such regulations as may be necessary to that end. [*See rules 6 and 10 of the supplementary treaty, and my despatches to the Department of State Nos. 30 and 32, approved by government.*]

That the foreign minister, when notified of regulations, if he find them to be in accordance with the treaty, is, after having, in his diplomatic character, done what he could to perfect them, under obligations to notify them to his countrymen, upon whom they become binding. [*See letter of E. Hammond, for British*

government, in reply to the Shanghai Chamber of Commerce, and despatches of British and American ministers in relation to the Yangtse regulations, approved by their governments.]

That no authority inferior to that which made and approved the regulations can absolve persons from their observance.

That the Chinese government having by treaty yielded jurisdiction over the persons of our citizens, so that it cannot punish them even by fine, it is obligatory upon us to punish them for infractions of the treaty and regulations. [*See despatches of Mr. Marshall to Mr. Marcy, November 26, 1853; and same to Cunningham, vice-consul at Shanghai, November 1, 1853; Mr. Cushing to Mr. Marcy, September 19, 1855; Fitzroy Kelly and James Stephen, Temple, May 22, 1862. MS.*]

The manner of doing this is pointed out in sec. 7 of the act of Congress approved June 22, 1860. It is to be done through the consuls, the minister only having original jurisdiction in cases of felony, murder, and rebellion, and where a consul is interested [*See secs. 13, 24, and 27 of the act.*]

The Chinese government cannot withdraw a consul's *exequatur*, for it has yielded this right under the law of nations in the grant of entire jurisdiction over our citizens. Besides, the consuls in China have a peculiar *status*—they are judicial officers, and exercise many powers under the treaty unknown to consuls in the west. [*See my despatch (72) and discussions with the Chinese government; also letters of Mr. Cushing to Mr. Marcy, November 7, 1854, and October 8, 1855.*]

That though the Chinese government may not sue in the consular court as a party to the record, still it may go there to make complaint and to give information, which the consul is bound to entertain. This is political action. [*See Cushing, idem.; G. Wingrove Cooke and James Hennen, Temple, January 13, 1862. MS.*]

If the consul shall fail to do his duty in respect to punishment, then the question becomes one for reference to the "superior officers of the government, who shall see that full inquiry and strict justice shall be had in the premises." [*Art. X of treaty.*]

The Chinese government cannot be compelled to plead in the consular courts at the suit of any one; hence controversies between the consulates and the customs, if they cannot be arranged, become diplomatic questions, to be referred to Peking. [*See Cushing, idem.; Sir Frederick Bruce in re. Bowman vs. Fitzroy, Blue Book No. 3, approved by British government; also my despatches to Consul Mangum, at Ningpo, December 9, 1862, in case of bark Agnes, approved by the United States government.*]

A citizen of the United States in the Chinese customs service cannot, in that character, be held to answer in the consular court of his country for acts done in the line of his official duty under the orders of the Chinese government. In such case the remedy is against that government. [*Opinion of Sir W. Atherton et al., Temple, March 6, 1862. MS.*]

The Chinese government may confiscate goods landed in breach of port regulation, but only those in respect to which the infringement of the regulation was committed; that is to say, those landed, and not those still on board. [*Sir F. Bruce, in case of the Blackburn, Blue Book No. 3; also my despatches in case of the Agnes, and that of Prince Kung, admitting this doctrine.*]

In cases of fine, where the words "not exceeding" are attached to the penalty, the consul may fix a smaller sum; but where the sum is fixed, there is no option, and the consul, upon proof, must inflict the fine; and all efforts to mitigate such fine must proceed upon equitable grounds, and not as matter of legal right. [*Sir F. Bruce, in case of the Blackburn.*]

Only three ports are now open to trade on the river Yangtse, viz., Chingkiang, Kinkiang, and Hankow; and trade at any other ports subjects ships and cargo

to confiscation. There can be no trade, directly or indirectly, by tacit consent of local authorities, by towing and permitting the Chinese to cut the line where they will, nor in any manner whatsoever. [*Art. XIV, United States treaty, art. 30, and arts. 10 and 11 of British treaty in connexion therewith; also provisional arrangements for the navigation of the river Yangtse, of December 5, 1861, and those adopted November 10, 1862, approved by British and American governments.*]

If the Chinese authorities confiscate without sufficient proof of breach of regulations, then the aggrieved party may, through the consul, appeal against such action to the minister at Peking, whose duty it will be to reclaim against the Chinese government; but in no case is the citizen, or the consul for him, to take the law into his own hands. This would relieve the Chinese government from that responsibility which should attach to it, and render all friendly relations impossible. [*Sir F. Bruce, in case of the Pearl; also his correspondence with Consul Gingell, at Hankow, approved by the British government; and instructions to Admiral Kuper. Blue Book No. 3.*]

To secure an honest application of the confiscation power, I have, in conjunction with my colleagues, urged the establishment of a joint tribunal, or mixed commission, to sit in confiscation cases. The Chinese authorities have yielded this in principle, leaving the details to be arranged by the consuls and local authorities, first at Shanghai, provisionally, and afterwards at the other treaty ports, if found to work well. This will satisfy both sides, and facilitate settlement at the ports; or if the cases shall come to Peking by classification and arrangement of the evidence make decisions practicable. [*See despatch of Prince Kung to me, June 13, 1864.*]

The greatest care should be taken before extending the protection of the American flag to purchased vessels; the proof of citizenship and the *bona fide* character of the purchase should be required. The flag should not be lent or sold to dishonor, "or be abused by the subjects or other nations as a cover for the violation of the laws of the empire." [*See Consular Manual, p. 273, and Regulation of the Treasury Department, there referred to; also art. IV of the treaty.*]

A wise discretion should be exercised by the consuls in granting passports to travel into the interior. The right to grant these is derived from Article IX of the British treaty, through the favored-nation clause (art. 30;) and though I do not hold that we are bound to take the construction of a treaty from the power through which we derive a privilege, still a desire for uniformity would suggest that such construction should receive our respectful consideration. [*See my despatch No. 26, approved by government.*]

I therefore call your attention to Sir Frederick Bruce's circular of 21st November, 1860, to the British consuls, approved by the British government, and commend its several suggestions to you for your guidance. "When an application is made by a person claiming to be a native citizen of the United States for a passport, before it be granted he should make a written declaration to that effect, stating also his age and place of birth, which paper should be filed. The consul may, however, require such other evidence as he may deem necessary to establish the fact of the applicant's citizenship. If the applicant claims to be a naturalized citizen, he should be required to produce either the original or a certified copy of his certificate of naturalization, or such other evidence as shall be fully satisfactory to the consul. [*Extract from instructions to the diplomatic agents of the United States, page 17, and my letter to Acting Consul Pomeroy, at Tientsin.*]

I have already written you in relation to the so-called *concessions*. There are no such things as concessions in the sense generally understood by that term. It is the right of our citizens to buy, sell, and live in any part of the treaty ports; and any claim by a treaty power of a concession of territory from

the Chinese government, by virtue of which it can exercise jurisdiction over the persons and property of our citizens, would, if admitted, be an abridgment of our rights. [*See Marshall to Marcy, July 26, 1853, with history of efforts of United States Consuls Griswold and Cunningham against concession claims, and disavowal by the British government of concession views through Consul Alcock; letters of Sir F. Bruce to Consul Medhurst, approved by British government; my despatch (42) approved by government in Mr. Seward's despatch No. 40, and also my No. 37, in relation to municipal affairs at Shanghai, likewise approved by government.*]

We have no right, for municipal or other purposes, to take jurisdiction of Chinese or other subjects of non-treaty powers; even though requested to do so by the Chinese authorities. We should seek to strengthen the Chinese administration, in the direction of order, to see to it that they should not shirk their treaty obligations. [*See my letter to Consul General Seward, and Sir F. Bruce to Consul Sir Harry Parker, at Shanghai.*]

With reference to the entrance of American citizens into the Chinese service, I can only say that there can be no objections to their entrance into the civil service; but there are strong objections to their active participation in the strife in which this people is unhappily engaged. The penalty for entering the rebel service is well known; and there is a decree of my predecessor, Mr. McLane, of December 5, 1854, still unrepealed, against taking military or naval service under the government against the insurgents. In the peril of our interests at Shanghai from the rebels, this decree was not enforced; but subsequent events, leading to the death of General Ward and the Burgevine imbroglio, convinced me that taking such service not only endangered our relations with China, but might lead to complications with other treaty powers. I accordingly expressed myself in this sense in my despatch No. 44, and my views were "specially commended" by government.

I therefore reiterate them to the end that such service may be discouraged. The British government has already withdrawn its permission to its officers to take military service, and every effort has been and is being made by the British minister at Peking to induce the Chinese to strengthen themselves so as to relieve the British government, not only from the expense of keeping troops in China, but from the common danger of a Chinese force headed by adventurers. Major Gordon, who has done so well, earnestly wishes to be relieved, but is retained by a common sense of danger until he can weed the force of its dangerous elements, and safely hand it over to the entire control of the comparatively well-drilled and patriotic Chinese officers.

Mr. Berthamy, the enlightened representative of France, is equally desirous with the British minister of removing all cause of expense and anxiety to his country, and looks forward with hope to the day when the Chinese shall triumph over their difficulties, and be able to maintain order without external aid. I am happy also to inform you that Mr. Vlangaly, the able minister of Russia, is deeply impressed with the importance of repressing that adventurous element which, if fostered, can only lead to disaster in China.

At an early period of my mission I was instructed by the government to co-operate with the other treaty powers; and in my despatch No. 42 you will find a history of my efforts in that direction, and of the policy agreed upon. That policy has been fully approved by our government, and I believe by that of every other treaty power. It is briefly this: to consult and co-operate in China upon all material questions; to defend the treaty ports so far as shall be necessary to maintain our treaty rights; to support the foreign customs service in a pure administration, and upon a cosmopolitan basis; to encourage the Chinese government in its efforts to maintain order; to neither ask for nor take concessions of territory in the treaty ports, nor in any manner interfere with the jurisdiction of the Chinese government over its own people, nor even menace

the territorial integrity of the Chinese empire. I call your attention to this policy, that you may know the commitments of our government and ourselves with the other treaty powers.

You will perceive that we are making an effort to substitute fair diplomatic action in China for force; and thus co-operation becomes the rule in carrying out these relations. It should be sincere; and to be effective, requires in the first place a predisposition to get on well with one's colleagues; and in the second, that just moderation which cannot fail to win the respect and confidence of one's associates. While such are our obligations with respect to the foreign representatives in China, they are equally strong towards the Chinese officials, whether native or foreign; for it is through these that we maintain our relations with China, and any want of courtesy or consideration at once reacts upon ourselves, and destroys our power for usefulness. [*See my despatch approving the conduct of Consul Clark at Fuchan.*]

Hoping for your continued support, together with that of the other consuls, and my countrymen generally, of the views I have expressed, and the generous policy I have stated,

I am, sir, your obedient servant,

ANSON BURLINGAME.

GEORGE F. SEWARD, Esq.,

United States Consul General, Shanghai.

P. S.—I have submitted the above letter to the British, French, and Russian ministers, and they authorize me to inform you that they entirely approve its views and policy.

Mr. Burlingame to Mr. Seward.

No. 84.]

LEGATION OF THE UNITED STATES,

Peking, June 18, 1864.

SIR: I have the honor to send correspondence (marked A, B, C, D) in relation to throwing ballast into the harbor of Newchwang. I called the attention of the government to the subject in a personal interview with its representatives at the Foreign Office, and received from Prince Kung the letter marked C, in which he informs me that he has notified the generalissimo of Manchuria to enjoin on the local authorities at Yangtse to issue a proclamation to all concerned, to forbid this practice. My reply (D) is simply a letter of thanks for his considerate action, and informs him that I have instructed our consul to co-operate in the worthy object.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,

Secretary of State.

A.

Mr. Knight to Mr. Burlingame.

No. 57.]

CONSULATE OF THE UNITED STATES,

Port of Newchwang, April 27, 1864.

SIR: The junk custom of throwing ballast, either mud or stones, into the river, is becoming most annoying, and threatens to ruin the port for foreign shipping.

We are told that large junks could once reach Newchwang; while now, vessels drawing over eight feet can proceed but a short distance above this place, owing to the river becoming so shallow.

Since the opening of the port this season, the schooner *Melita* has become a total wreck on the bar at the mouth of this river with a valuable cargo of eighty chests of opium, and other merchandise; her loss is entirely attributed, by pilots and shipmasters, to the constant change of the channel caused by the discharging of ballast into the river. Foreign merchant vessels have been strictly forbidden the practice under penalty of heavy fines, and are now compelled, while lying in said stream, to discharge their ballast into boats at considerable expense. But they complain with some reason, a great deal, at the apparent injustice, while junks which either lie close to the bank or moored outside each other should discharge ballast into the river, when they might so easily take it on shore.

On this matter I would ask your attention that native vessels shall be prevented throwing ballast of any description into the river, subject to the same penalty as foreign vessels.

The hull of the *Melita* now lies in such a position as to render the navigation of the port hazardous, (one vessel has already run on it,) unless the pilot has a clear day when he can see some coast mark to get his bearings and course exact. Under these circumstances, a light-ship anchored in a proper position becomes doubly necessary, and would be more effective than at any other port in China.

After many efforts, some parties here have got a capital hulk which they offer to fit out completely for a light-vessel, provided the Chinese government will buy it, and remunerate them for their expense.

Last year there were 202 ships arrived here, and already this season there have been 45. Out of this number sufficient port dues must have been paid to appropriate to such purpose.

The price wanted for the hulk is very moderate—probably one-third cost of any other light-ship on the coast.

I have the honor to be your obedient servant,

FRANCIS P. KNIGHT,
United States Consul.

His Excellency Hon. ANSON BURLINGAME,
United States Minister, Peking.

B.

Mr. Burlingame to Mr. Knight.

LEGATION OF THE UNITED STATES,
Peking, May 23, 1864.

SIR: I have received a communication from Prince Kung relating to the pernicious practice of junks throwing their ballast overboard at Yangtse, and intimating the measures taken to put a stop to it; a translation of which I send for your information, together with a copy of my reply.

It is as much, perhaps, as we can at present expect from the government here in reference to this matter, and it will depend upon the vigilance of foreigners interested in the preservation of the navigation, that natives or others who offend the regulations shall be dealt with, and the practice cease.

I am, sir, yours, obediently,

ANSON BURLINGAME.

FRANCIS P. KNIGHT, Esq.,
Acting Consul, Ninchwang.

C.

Prince Kung to Mr. Burlingame.

Prince Kung, chief secretary of state for foreign affairs, herewith sends a communication.

I have lately heard that the vessels coming from the south (*i. e.* from the in sea) which frequent Yangtse, the port of Ninchwang, both those which anchor the stream and those lying along the bank, are in the practice of throwing their mud and stone ballast into the river; this makes piles of constantly increasing size, which prevents vessels that are discharging a lading cargo from coming close into the shore, and involves them in greater expense and trouble in moving their goods.

I have, therefore, notified the generalissimo of Manchuria to enjoin on the local authorities at Yangtse, to issue a public proclamation to all concerned, to forbid this practice in the strictest way. Such vessels or junks as do not keep their ballast must deposit it on the sea-shore or in very far from the river's bank, and no more obstruct the channel for shipping, into which they are no longer permitted, as they have done, to throw it, lest at no distant day the piles made there interfere with the navigation of the river.

I now inform your excellency of these orders, and if any foreign vessel should act in the same manner, I trust that full orders may be sent to the consuls there, to see that these regulations (respecting ballast) may be made known to the foreign shipping generally, as they are for the advantage of all, both native and foreign.

His Excellency ANSON BURLINGAME,
United States Minister.

May 23, 1864—Tungchi, 3d year, 4th moon, 18th day.

D.

Mr. Burlingame to Prince Kung.

LEGATION OF THE UNITED STATES,
Peking, May 24, 1864.

SIR: I beg to acknowledge the communication of yesterday's date respecting the practice of throwing ballast into the river Yangtse, and thereby obstructing navigation, which I have received from your highness, and the information you give that orders have been sent to the generalissimo of Manchuria to enjoin the local authorities to strictly forbid it, and thank you for this instance of your consideration, which is fully in the spirit of the 16th article of the treaty of Tientsin.

I have, accordingly, sent orders to the United States consul at Newchwang to do all in his power to carry the regulations into effect, and prevent any more obstruction to the navigation of the river by throwing ballast into it; a matter of equal importance and benefit to native and foreign trade.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

His Imperial Highness PRINCE KUNG, &c., &c., &c.

Mr. Burlingame to Mr. Seward.

No. 86.]

LEGATION OF THE UNITED STATES,
Peking, June 24, 1864.

SIR: I have the honor to forward correspondence (marked A and B) with the French minister, Mr. Berthamy, in relation to putting down piracy on the interior waters of China, and particularly on the Yangtse. The plan of Mr. Berthamy proposes to submit to reciprocal search all vessels of a Chinese construction carrying the flag of the treaty powers having ministers at Peking. In my reply to Mr. Berthamy I simply content myself with stating that I have no power to agree to any such plan, and with pointing out one or two difficulties.

I may say to you, that I hold the plan to be altogether impracticable; and this view I hold with my colleagues representing England and Russia. In the first place, by it we submit our vessels to visitation and search without compensating advantages. Second, we undertake to police Chinese waters, which is an offensive assumption of power, while at the same time it relieves the Chinese government from the performance of its own proper duties. Third, it takes no account of the treaty powers not having ministers at Peking. Fourth, it is not necessary, for anybody may take pirates now. It would lead in practice to the greatest confusion, and would become the fruitful source of quarrels.

With this brief statement of my views, I submit the correspondence to your better judgment.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

HON. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

A.

Mr. Berthamy to Mr. Burlingame.

LEGATION OF FRANCE IN CHINA,
Peking, June 16, 1864.

MR. MINISTER: For a long time numerous acts of piracy have been committed upon the coasts and in the interior waters of China, especially upon the Yangtse-Kiang, under the protection of flags usurped by adventurers, either native or foreign, and not being able to visit the ships upon which float the colors of another nation, the ships-of-war charged in these latitudes with protecting the maritime commerce find themselves very often powerless.

Struck with the inconveniences of this situation, I submit to your excellency a proposition which, if it is agreed to, will result in a prompt remedy. You are not ignorant, Mr. Minister, that the acts of piracy to which I have had the honor to call your attention are generally committed with the aid of junks, lorchers—in a word, by the aid of boats of Chinese construction; but in my opinion it will suffice to put an end to a state of things which brings such serious damage to common interests to give to the ships-of-war of the powers whose representatives in China shall have acceded to these arrangements the authority to visit boats of Chinese construction, carrying the flag of any of these powers. The exercise of this right it is understood will be reciprocal, and will have no other object than to prove if the junk or lorcher is furnished with regular river passes. Boats of a foreign construction would not be submitted to it.

I shall esteem myself happy to learn that your excellency will give his assent to this measure, and that in consequence he will convey to the commandant of

the naval forces, as well as to the consular agents of the United States in China, the necessary instructions to insure its being put in execution. I address to the minister of England and Russia an identical communication.

Wishing to present, Mr. Minister, the assurance of sentiments of high consideration, I have the honor to be your excellency's very humble and very obedient servant,

J. BERTHAMY.

Hon. ANSON BURLINGAME,
United States Minister, Peking.

B.

Mr. Burlingame to Mr. Berthamy.

LEGATION OF THE UNITED STATES,
Peking, June 18, 1864.

SIR: I have the honor to acknowledge the receipt of the letter of your excellency, in which you propose that the ministers at Peking shall agree to put down piracy on the interior waters of China, and particularly on the Yangtse, by authorizing their vessels-of-war to stop all vessels, of whatever flag, of a Chinese construction, and that the reciprocal right of visit shall be prosecuted with a view solely of ascertaining if the papers of such vessels are regular.

Hailing this proposition as but another of the many manifestations of your excellency in behalf of that common action which has been found to work so well in China, my first desire was to respond in the affirmative. But I find, upon reflection, that I have not the power to do so; that my government alone, and that after solemn forms, can subject the vessels of the United States to visitation or search by another power.

It occurs to me, also, that the success of the plan may involve the consent and support of the Chinese government as well as the treaty powers not having ministers at Peking.

I will not, however, suggest difficulties, but recognizing only the worthy objects of your excellency, submit the question to the consideration of my government.

I avail myself of this opportunity to renew to your excellency the assurance of my very high consideration.

ANSON BURLINGAME.

His Excellency J. BERTHAMY,
Minister of France, Peking.

Mr. Burlingame to Mr. Seward.

No. 87.]

LEGATION OF THE UNITED STATES,
Peking, June 25, 1864.

SIR: I have the honor to send you the despatch of Prince Kung (marked A) in relation to a joint tribunal to sit in confiscation cases.

This is, perhaps, as important a practical measure as was ever agreed upon in China, but as I have written fully in relation to it before, I need not now write anything more.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,
Secretary of State.

A.

Prince Kung to Mr. Burlingame.

Prince Kung, chief secretary of state for foreign affairs, herewith makes a communication.

In the despatch received from your excellency October 23, 1863, you made the remark "that hitherto there have been no well-understood regulations established for general guidance in cases of confiscation of vessels and goods by the Chinese authorities." Now, although the right and power to punish all cases of smuggling by foreigners, either by fine or otherwise, is undoubtedly in the hands of this government, yet it is nevertheless true that, owing to the want of some definite regulations upon these points, much confusion and pertinacious disputing have arisen between foreign merchants and our own officers.

In consequence of your despatch, I sent orders to the inspector general of customs, Mr. Hart, desiring him to give the subject his most careful deliberation and examination. He has now come to Peking, and having personally conferred with the various foreign ministers in reference to this thing, it has been decided that the scheme of regulations which was discussed last year shall be adopted, with such changes as the foreign office shall deem to be necessary. When they have all been revised and decided upon they shall first go into effect at Shanghai, as an experiment; and if the result shows that their operation is beneficial, and does not impair or interfere with the rights of this government, they can then be extended to all the open ports, and the officers there be instructed to follow them.

His Excellency A. BURLINGAME,
United States Minister.

June 13, 1864—Tungchi, 3d year, 5th moon, 10th day.

Mr. Seward to Mr. Burlingame.

No. 65]

DEPARTMENT OF STATE,
Washington, June 27, 1864.

SIR: Referring to your despatch of the 5th of January last, No. 62, relative to your proceedings in securing the recognition of the Chinese government of the rights of Sweden, under a treaty negotiated at Canton in 1847, I transmit herewith a copy of a note of the 21st instant, addressed to this department by Count Edward Piper, the minister of Sweden, conveying the acknowledgments of his government to that of the United States for your good offices above mentioned.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

Count Piper to Mr. Seward.

[Translation.]

WASHINGTON, *June 21, 1864.*

MR. SECRETARY: I hastened at once to acquit myself of the agreeable duty of imparting to my government the communication in which, under date of 20th April last, your excellency had the goodness to inform me of the successful

efforts of Mr. Burlingame, minister of the United States in China, to cause the recognition of the validity and executory force of the treaty which we had concluded in 1847 with China.

The King's government, having been already informed thereof by his Majesty's consul at Canton, who has received orders to express to Mr. Burlingame all the thankfulness which the King's government has felt for the good offices which the representative of a government with which such excellent relations subsist has willingly rendered to the United Kingdoms, has not been less gratified in learning, through the obliging intervention of your excellency, the manner in which the distinguished minister of the United States in China has served our interests.

Having received orders to be to you, Mr. Secretary, the organ of these sentiments, it is my cherished duty to express how much my government is gratified in testifying to that of the United States the special value which it attaches to this, and that its gratification would be still increased if the cabinet of Washington would please to make known to its distinguished representative in China that very special thanks have reached it for the friendly aid which Mr. Burlingame has lent, in a manner as generous as disinterested, to a power whose distance has not until now permitted it to watch over its interests in China as actively as it has the desire to do, and that it has seen with satisfaction the representative of a friendly power actively in its favor.

I embrace with eagerness this occasion to offer to you, Mr. Secretary, the renewed assurances of my high consideration.

EDWARD PIPER.

His Excellency WILLIAM H. SEWARD,
Secretary of State of the United States, &c., &c., &c.

Mr. Burlingame to Mr. Seward.

No. 88.]

LEGATION OF THE UNITED STATES,
Peking, July 5, 1864.

SIR: I have the honor to send a letter from Robert Hart, esq., inspector general of customs, (marked A,) in which he requests me to secure the services of three Americans, over 18 and under 22 years of age, for the Chinese customs service. They will receive on their arrival in China £200 sterling each, (about \$900, Mexican,) to reimburse them for expenses incurred in paying passage out. For the first two years they will be located at Peking, to study Chinese, where they will be furnished with rooms, and receive pay at the rate of £400 (about \$1,800) a year. At the expiration of the second year the pay of each will be raised to £600, (about \$2,700,) from which it will gradually rise, as promotions occur, to £800, £1,000, and £1,200, and when advanced to commissioners (of whom there are twelve) to £1,200, £1,400, and £2,000. At the expiration of five years' service they will be entitled to a year's leave, on half pay. If the Chinese government should decide to dispense with their services, they will be entitled to either three months' notice or three months' pay. After two years at Peking, they will be sent by the inspector general to the ports, as their services may be required.

Mr. Hart is from Belfast, in Ireland, and graduated with high honors from one of the first British colleges. He is a man of most excellent character, and of unusual administrative abilities. The men selected by him, as far as possible, are of the first class. If he shall continue at the head of the service, I do not see why the Chinese government will not put other nations behind it in the quality of its customs force. The pay is nearly twice that of any other coun-

try of corresponding service. I hope you will give your personal attention to this, and secure young men of the very highest moral as well as intellectual qualities. They will be brought into immediate contrast and competition with young men who are graduates of Cambridge and Oxford, and who were selected for the British service after the severest competitive examination.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.



A.

Mr. Hart to Mr. Burlingame.

INSPECTOR GENERAL'S OFFICE,
Peking, June 25, 1864.

MY DEAR MR. BURLINGAME: In a service such as ours, cosmopolitan in nature, and transacting business with people of so many different countries, it would be but natural to expect that, numerically, the United States would be strongly represented. Unfortunately, I have found it quite impossible to recruit in China for our offices. We have no difficulty in procuring seafaring men and others fit to perform the work of out-door departments, and accordingly amongst the tide-waiters, whose pay ranges from £240 to £600 a year, a great many Americans are to be found. Of the dozen commissioners who preside at the ports, three are American; three are French; one Prussian, and five are English. We have not one American who can interpret, or who can be said to have any knowledge of Chinese, and the few that we have in the offices as clerks are very far indeed from being a superior class of men.

I should, therefore, consider it a very great favor if you could get for me from America three young gentlemen, above 18 and under 22 years of age, who have received a collegiate education. I should like men of at least fair average abilities, of good standing in society, and of industrious habits. £200 sterling (about \$900, Mexican,) would be paid to each on his arrival in China, to reimburse him for expenses incurred on his passage out. For the first two years they would be located at Peking, to study Chinese, where they would be provided with rooms, and receive pay at the rate of £400 (about \$1,800) a year. At the expiration of the second year the pay of each would be raised to £600, (about \$2,700,) from which it would gradually, as vacancies occurred in the service, and as opportunities for promotion allowed, rise to £800, £1,000, and £1,200. In the course of time they might expect to become commissioners, whose pay is at the rate of £1,200, £1,400, and £2,000 a year. An industrious, hard-working, and able man might fairly expect to be a commissioner in eight or ten years. After five years' service, a year's leave is granted on half pay. In the event of the Chinese government desiring to dispense with any one's services, he would be entitled to either three months' notice or three months' pay. After the second year in Peking, the inspector general would locate each gentleman at the port he might consider the most fitting.

If you can assist me in this matter, you will confer a favor on myself and the customs services.

With much respect, very truly yours,

ROBERT HART.

Hon. ANSON BURLINGAME, &c., &c., &c.

Mr. Burlingame to Mr. Seward.

No. 90.]

LEGATION OF THE UNITED STATES,
Peking, August 15, 1864.

SIR: I have the honor to forward correspondence with the imperial government, (marked A, B, and C,) from which you will learn of the fall of the rebel capital, Nanking.

Thus, after 13 years of furious fighting against the imperial government, the "Taiping" rebellion appears to be ended. It is too soon to speculate as to the effect upon our relations with the Chinese. Their old pride may be awakened, and a reactionary spirit set in. I do not as yet detect any signs of this, but rather a greater friendship for us.

I have the honor to be your obedient servant,

ANSON BURLINGAME.

HON. WILLIAM H. SEWARD,
Secretary of State, United States.

A.

Note from Prince Kung.

PEKING, *August 1, 1864.*

SIR: I have the honor to inform you that a courier, travelling with the speed of 600 li (or 200 miles) a day, who had been despatched by the minister Tsang-kwohfan, arrived here this morning with the news "that, ten days ago, the city of Nanking was taken by assault; so that, at last, it can be reported that this great undertaking has been brought to a satisfactory conclusion. Not one of the ruthless rebels escaped."

As I know you have been much interested in this siege, I send you this information immediately, assuring myself that, on hearing of it, you will participate in our high gratification, and improve the opportunity to add my best wishes for your happiness.

Cards of—

PRINCE KUNG.
PAN-YUN,
WAN-SIANG,
TSUNG-LUN,
HANG-KI,
TUNG-KIAM,

Members of the Board of Foreign Office.

B.

Mr. Burlingame to Prince Kung.

[Reply to note.]

AUGUST —, 1864.

SIR: I have the pleasure to acknowledge the receipt of your note, in which you inform me of the capture of the city of Nanking on the 22d of July. This news has given me the utmost pleasure, and encourages the hope that peace will soon be restored throughout all the provinces of the empire, so that the people may everywhere pursue their occupations unmolested.

In the note from your highness two months since, (about the Alabama,) you stated that the rebellion in the southern States appeared to you to place the United States in very much the same condition as China was in, and I have now the pleasure to inform you that I have also just heard of a great victory to the armies of the United States. I can assure you that ever since my arrival in China I have been greatly interested and anxious respecting her troubles from the insurgents, and whenever peace has been fully restored in both our countries we shall be able to congratulate each other with reciprocal satisfaction.

I avail myself of this occasion to renew the assurance of the high regard with which I am, sir, your obedient servant,

ANSON BURLINGAME.

His Imperial Highness PRINCE KUNG, &c., &c., &c.

C.

Prince Kung to Mr. Burlingame.

[Reply from Prince Kung.]

AUGUST 6, 1864.

SIR: I have the pleasure to acknowledge your reply to my note respecting the capture of the city of Nanking, and the destruction or capture of all the chiefs of the rebels, from which I perceive the agreeable feelings that the news brought by this last courier from the south has given you.

The cheering accounts which you sent me have likewise given great and sincere gratification. I am rejoiced to learn that the United States forces have recently achieved a great victory in their attack on the southern rebels, a sufficient proof their affairs are progressing favorably. Both our countries will henceforth alike rejoice in increasing prosperity and peace until restoration of order everywhere prevails.

I therefore beg to send you my congratulations, and the assurance of my earnest and deep desire that such may be the case.

I avail myself of this occasion, when sending you my thanks, to add the expressions of my best wishes for your daily happiness.

Card of PRINCE KUNG.

Mr. Seward to Mr. Burlingame.

No. 68.]

DEPARTMENT OF STATE,

Washington, August 18, 1864.

SIR: I have to acknowledge the receipt of your very interesting despatch of the 21st of May, No. 69, in relation to the jurisdiction claimed by the British government over leased ground at the ports in China. The just and liberal position taken by Sir Frederick Bruce, in regard to this question, as set forth in your communication, is highly gratifying to this government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

Mr. Seward to Mr. Burlingame.

No. 70.]

DEPARTMENT OF STATE,
Washington, September 14, 1864.

SIR: Your despatch of the 3d of June, No. 78, has been received. It contains an account of the trial, conviction, and execution, at Shanghai, of John D. Buckley, an American citizen, upon a charge of murder, and is accompanied by a copy of the legal proceedings in that case in the court over which the consul general presided. These papers having been submitted to the President, I have to inform you that they are approved. Transactions of this nature in foreign countries are exceedingly painful to the agents of the government, and hardly less so to the President himself. It is, therefore, with special satisfaction that we find in your despatch the reasons for believing that a marked improvement in the conduct of such of our countrymen residing in China as are viciously disposed has manifested itself, in consequence of the promptness with which justice has been recently administered by the consular court, with your enlightened approbation.

The extraordinary expenses incurred by the consulate in connexion with these proceedings will be defrayed by this department.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

Mr. Seward to Mr. Burlingame.

No. 71.]

DEPARTMENT OF STATE,
Washington, September 14, 1864.

SIR: I have to acknowledge, with much satisfaction, the receipt of your despatch of June, (No. 62,) in which you inform me that the Chinese government has agreed to the principle of the joint tribunal or mixed commission for the settlement of confiscation cases.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

Mr. Seward to Mr. Burlingame.

No. 72.]

DEPARTMENT OF STATE,
Washington, September 14, 1864.

SIR: Your despatch of the 18th of June, No. 83, enclosing a copy of your communication of the 15th of the same month to the Consul General Seward, containing your construction of the rights and duties of American citizens in China, directions in relation to ships and passports, and general suggestions in reference to the co-operative policy agreed upon by the representatives of the treaty powers at Peking, has been received, and it is approved with much commendation.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. ANSON BURLINGAME, Esq., &c., &c., &c.

Mr. Seward to Mr. Burlingame.

No. 73.]

DEPARTMENT OF STATE,

Washington, September 19, 1864.

SIR : I have to acknowledge the receipt of your despatch of the 18th of June last, No. 84, and its accompanying correspondence with the Chinese government. Your proceedings mentioned therein are approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

Mr. Seward to Mr. Burlingame.

No. 74.]

DEPARTMENT OF STATE,

Washington, September 20, 1864.

SIR : I have to acknowledge the receipt of your despatch of the 4th of June last, and of the accompanying copy of correspondence setting forth your proceedings, and those of Mr. Seward, in regard to the case of General Burgevine.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

Mr. Seward to Mr. Burlingame.

No. 75.]

DEPARTMENT OF STATE,

Washington, September 20, 1864.

SIR : I have to acknowledge the receipt of your despatch of the 2d of June last, No. 77, and accompanying correspondence, respecting the case of James White. With regard to the pressing need of increased assistance in the different branches of our service in China, so reasonably solicited and supported by yourself and by Mr. Seward, I shall not fail to make a representation to Congress on the subject, at its ensuing session.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

Mr. Seward to Mr. Burlingame.

No. 76.]

DEPARTMENT OF STATE,

Washington, September 20, 1864.

SIR : Your despatch of the 3d of June last, No. 79, relating to the question of jurisdiction at Shanghai, has been received, and is approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

Mr. Seward to Mr. Burlingame.

No. 77.]

DEPARTMENT OF STATE,

Washington, September 20, 1864.

SIR : I have to acknowledge the receipt of your despatch of the 3d of June, No. 80, suggesting an instruction from this department to consular officers in China, to the effect that in all cases of conflict growing out of the alleged improper conduct of an officer subordinate to a consul, the consul general shall have power to suspend such officer, pending a reference to the minister at Peking, who, if he shall approve the act of the consuls general, shall remove such officers, subject to the approval of this government. In reply, I have to inform you that such an instruction will be issued without delay.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

Mr. Seward to Mr. Burlingame.

No. 78.]

DEPARTMENT OF STATE,

Washington, September 20, 1864.

SIR : Your despatch of the 1st of June last, No. 76, placing before me your action in relation to the case of David Williams, tried, convicted, and sentenced for murder, has been received. In reply, I have to express my approval of your proceedings.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

Mr. Seward to Mr. Burlingame.

No. 79.]

DEPARTMENT OF STATE,

Washington, September 20, 1864.

SIR : I have to acknowledge the receipt of your despatch of the 30th of May last, No. 75, and the accompanying copies of correspondence with the Chinese government.

Your proceedings mentioned therein are approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

Mr. Seward to Mr. Burlingame.

No. 80.]

DEPARTMENT OF STATE,

Washington, September 20, 1864.

SIR : I have to acknowledge the receipt of your despatch of the 26th of May last, No. 74, and the accompanying copy of the correspondence with the Chinese government.

Your course in regard to the subject of the correspondence is approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

Mr. Seward to Mr. Burlingame.

No. 81.]

DEPARTMENT OF STATE,

Washington, September 20, 1864.

SIR: I have to acknowledge the receipt of your despatch of the 26th of May, No. 73, and the accompanying copy of the correspondence with the Chinese government in relation to smuggling and arrests on the Yangtse.

Your proceedings in regard to the matters embraced in the correspondence are approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

Mr. Seward to Mr. Burlingame.

No. 86.]

DEPARTMENT OF STATE,

Washington, October 15, 1864.

SIR: I have to acknowledge the receipt of your despatch of the 5th of July, No. 88, relative to the appointment of three Americans for the Chinese customs service, and in reply to enclose a copy of a letter which has been addressed to the Reverend Eliphalet Nott, D. D., president of Union College, to the Reverend Thomas Hill, D. D., president of Harvard University, and to the Reverend Theodore D. Woolsey, president of Yale College, requesting them to select from among the recent graduates of the colleges over which they preside such young men as, in their judgment, are capable of occupying the position with credit to the United States government. This course has been adopted as the one which seemed most likely to secure the fulfilment of the requirements named in your despatch and in Mr. Hart's letter.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

Mr. F. W. Seward to Mr. Hill.

DEPARTMENT OF STATE,

Washington, October 14, 1864.

SIR: I am directed by the Secretary of State to transmit to you the enclosed extract of a communication received from Anson Burlingame, esq., minister of the United States in China, and to ask that you will name a suitable person, chosen from among the recent graduates of your college, to receive one of the appointments therein described.

The friendly spirit toward the United States manifested in the proposition made by the inspector general of customs in China merits an effort on our part to justify the confidence reposed in us, by sending out young men qualified to

discharge the required duties with fidelity and with credit to our national character. Your aid is therefore invoked in the endeavor to make an impartial selection of candidates whose acquirements and capabilities shall not compare unfavorably with those of the young men selected from other nations.

I am, sir, with great respect, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

Rev. THOMAS HILL, D. D.,
President of Harvard University, Cambridge, Mass.

Same, mutatis mutandis, to the Rev. Eliphalet Nott, D. D., president of Union College, Schenectady, New York, and Rev. Thomas D. Wolsey, D. D., president of Yale College, New Haven, Connecticut.

Mr. Seward to Mr. Burlingame.

No. 88.]

DEPARTMENT OF STATE,
Washington, October 17, 1864.

SIR: I have to acknowledge the receipt of your despatch of the 24th of June, No. 86, relative to the ridding of piracy the interior waters of China, and in reply to inform you that your action thus far in the case meets my approval. I will thank you to advise me of the replies made by the ministers of England and Russia to the communication of J. Berthamy, esq., in regard to the subject.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

Mr. Seward to Mr. Burlingame.

No. 89.]

DEPARTMENT OF STATE,
Washington, October 17, 1864.

SIR: I have to acknowledge your despatch of the 25th of June, No. 87, relative to the organization of a tribunal to sit in confiscation cases. I shall give the subject my attention.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

Mr. Seward to Mr. Burlingame.

No. 94.]

DEPARTMENT OF STATE,
Washington, November 18, 1864.

SIR: Your despatch and its accompaniments of the 15th of August last, No. 90, relative to the fall of Nanking, and your correspondence with the imperial government regarding the matter, have been received with great satisfaction.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

J A P A N.

Mr. Pruyn to Mr. Seward.

No. 57.]

LEGATION OF THE UNITED STATES,
Yokohama, August 26, 1863.

SIR: Lieutenant Colonel Neale, her Britannic Majesty's chargé d'affaires, has kindly given me a verbal account of the result of his mission and of the operations of the British fleet at Kagosima, though the preparation of despatches for his own government has rendered it impossible for him to address me an official communication.

On the 6th instant Vice-Admiral Kuper and his flag-ship *Euryalus*, the steamships *Pearl*, *Perseus*, *Argus*, *Coquette*, *Racehorse*, and *Havoc*, left this port for Kagosima, having on board Colonel Neale and the officers of the British legation, and leaving in this harbor seven ships of his fleet for the defence of this place.

On the 11th the fleet entered the bay of Kagosima, and with some difficulty found anchorage, having in the evening reached a point near the city. The water in the bay was found to be of extraordinary depth, from 60 to 100 fathoms, except on a bank which was accidentally found in the dark, and the ships anchored in 15 fathoms.

Early in the morning of the ensuing day some officers came on board and made the usual inquiries: Who are you? Where are you from? Why do you come here? How many guns have you? They severely censured a Japanese pilot whom they saw on board, and were discourteous if not violent, omitting to take off their long swords as is usual when entering the cabin.

The ships immediately shifted their anchorage to a place within the range of the batteries. The officers again came off and asked for a letter which they understood was prepared for the Prince of Satsuma. This letter demanded as an indemnity £25,000 and the punishment of the murderers of Mr. Richardson in the presence of a British officer, which letter was given to them. In reply to the question whether a Japanese steamer had arrived, they asked, Why should one come here? To show you the way? Mr. Eusden, the interpreter, with whom these several conversations were held, said: The Gorogio promised to send a steamer for the purpose of acquainting the Prince of Satsuma with the object of their coming. The officers whispered to each other and remarked, "That beast at Yedo has been cheating us."

Shortly after other officers came on board, and stating that Satsuma was not at Kagosima, but at a castle fifty miles distant, said that his karo or secretary would receive Colonel Neale on shore in a building prepared for that purpose, and that he might come accompanied by as many of his suite as he chose and with an escort. The karo was invited to a conference on board the ship, which was the most proper, as he was the inferior officer, and as both the minister and admiral would take part in it. It was also urged that as the British minister had come so far for the purpose of a settlement this course was the most suitable; besides, the British were accustomed to see Japanese, but the people of Satsuma were not accustomed to strangers. The officers retired to present these views, and returned, still manifesting great anxiety that the minister and admiral should go on shore, saying that the Dutch had done so; the building was not far from the bay, and it was specially prepared for business with foreigners. It was quite evident, Colonel Neale thinks, that some sinister motive made them so urgent for his presence on shore.

In the afternoon an officer, represented to be the next in rank to the karo,

approached the ship, and asked whether Colonel Neale would see him, and whether he might bring his attendants, some fifty in number, on board. When the attendants reached the deck they were placed opposite the marines, drawn up in line, and the chief officers conducted to the cabin. The principal personage, for some reason, appeared speechless, and just as one of his officers had declared he would act as spokesman, a servant entered with a message, when it appeared he had been ordered to return, as some error existed in the letter he was charged to deliver.

On his leaving the ship the squadron changed its anchorage to a point less under the guns of the batteries. Late in the evening the officer returned, and delivered a letter in reply to that sent by the British minister. It commenced by declaring that murder was of course a serious crime, and murderers should be punished; that they frequently escaped, however, and it was difficult to arrest them; but that in this case it was not certain that Satsuma was in fault; that it was the custom and law of Japan to get out of the way and dismount before a great Daimio, and if people did not they were beaten. Was not this also the usage in England? That the Tycoon was to blame; he should have put such provision in the treaties, and then no difficulty would have occurred; that as to the indemnity, Satsuma would appoint a commissioner, and the Tycoon might appoint another, who would investigate the subject, and then Colonel Neale would see whether Satsuma or the Tycoon was to blame.

Colonel Neale, regarding this letter as evasive and otherwise unsatisfactory, addressed a communication to the admiral, placing the business in his hands. Early the next morning (a boat expedition having, late on the previous evening, discovered their position) three steamships, the *England*, *Contest*, and *Sir George Gray*, were seized by order of the admiral, and brought to anchor near the British fleet. They were intended to be held as pledges, with a view to further negotiations.

The weather at this time was very heavy, and at noon a typhoon was evidently approaching. Shortly after the crews were piped to dinner, and at once the batteries opened fire. The admiral immediately signalled, "Burn the prizes." The gale blew the British ships stern on, and their guns could not be brought to bear, by springs on the cables, in consequence of the great depth of water. For nearly half an hour the ships were under fire before the anchors could be weighed. As soon as this was effected, the ships steamed past the batteries, as delineated on the plan of the harbor I enclose, the *Euryalus* taking the lead, and returned slowly to their anchorage, delivering a close and steady fire on town and batteries. The *Racehorse* grounded, and was with difficulty hauled off by the *Argus*. In this engagement the Flag-Captain Joslin and Commander Wilmot, of the *Euryalus*, brave, accomplished, and most estimable officers, were killed, having their heads taken off by the same cannon shot, and 56 officers and men on the different ships were killed and wounded. Five out of the eight boats of the *Euryalus* were destroyed, and all the vessels greatly suffered, particularly in their rigging. At this time the storm was raging with great fury; the town had been fired by the shells and rockets of the fleet, and the wind was carrying the flames swiftly through the streets. A dreadful spectacle was thus presented. The three steamers were on fire, as were also five large Lewchew junks, to which the gunboat *Havoc* had separately applied the torch, and the city, stretching away over three miles, was in flames, which was also seen to envelop the green trees on the hillsides. The foundry and machine shops, a mile in extent, were also on fire, and the fury of the flames kept pace with that of the storm.

The next morning the fleet opened fire again on the town and batteries, some of which feebly responded. Several shells were thrown into the palace of Satsuma, which is believed to have been destroyed, as flames were seen to issue from it as the fleet left.

It was thought that sufficient had been accomplished by way of punishment, and that further proceedings would be regarded as vindictive.

When the captured ships were destroyed, orders were given to land the officers and crew who remained on board. The captain and doctor, one or both of whom had been with the embassies to the United States and Europe, begged they might be permitted to remain, as if landed they would be obliged to commit hara-kiri, or would lose their heads. They are now on the *Euryalus*.

The admiral arrived here on the 24th, after experiencing severe weather the entire voyage. I was not able to meet the British chargé d'affaires till last evening, and I have been engaged the entire day with some governors for foreign affairs, sent from Yedo.

The mail, unexpectedly, closes at 10 o'clock to-morrow morning, and the late hour forbids my saying more than that other governors will wait upon me this week with a project for the amicable adjustment of our difficulties with the Prince of Nagato, and that they entertained no doubt it would be perfectly satisfactory, and render another visit of the ships-of-war of the treaty powers unnecessary.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,

Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington.

[Memorandum.]

AUGUST 27, 1863.

The *Wyoming* leaves at 9 this day on a cruise, pursuant to orders of 26th January. A steamer is of great value here. Jamestown here; worth little except to lie in harbor.

The British minister has shown me a copy of your despatch of June 1; the original has not reached me.

You may rely with confidence on my forbearance with this people and government. I hope to merit your approval and that of the President.

Respectfully,

R. H. PRUYN.

Prussian corvette *Gazelle* in harbor with consul-general of China, with ratified treaty. Netherlands government has ordered additional force here.

Mr. Pruyn to Mr. Seward.

No. 60.]

LEGATION OF THE UNITED STATES IN JAPAN,
Yokohama, September 28, 1863.

SIR: Since my last despatch nothing of importance has occurred affecting the relations of the treaty powers with this government. The representatives of the former are waiting for instructions, and the latter is as little as ever inclined to make known its purposes.

I embrace every opportunity to assure this government of the friendship of the President, and my own desire faithfully to represent his views. I am satisfied that the government is in great perplexity, if not danger, and I am

indisposed to make any complaint, except when compelled to do so by the perversity or insincerity of the governors of this place, with whom I have lately been obliged to have frequent interviews.

I have been much perplexed to account for the great inconsistency of the government in paying so large a sum to Great Britain at the very time it gave notice of an intention to disregard the treaties, and that all foreigners were required to leave the country.

After interchanging views with my colleagues, I have arrived at the only conclusion which I think can satisfactorily clear up the mystery. It is, of course, only a conjecture, but the best we can frame, and it may not prove unprofitable or uninteresting to you if I give the explanation in which the minister of France and myself concur, and in which our colleague, Colonel Neale, to some extent unites.

You will remember that the Tycoon is chosen from the families of Kshii, Owari, and Mito, though the latter family has never successfully competed for the honor. At the last election the son of Prince Mito was an unsuccessful candidate. The intrigues and violence which attended the choice at that time culminated in the murder of the regent, and the disgrace and death, it was then said, of Mito, who is now understood, however, to be living, though having renounced his dignities and possessions, and living, as is very common, as a priest, with shaven head, &c. Being a man of great ability, he is still thought to be the adviser and director of his sons.

The Tycoon left Yedo for Kioto as the British fleet arrived and the British demand was made. It is understood the determination of the council at Kioto was averse to foreign trade and to compliance with the British demands. We had official notice that the money would not be paid, though I had been privately assured by Takemoto Hayato-no-kami, one of the principal governors for foreign affairs, that it probably would be paid.

Meanwhile the Tycoon was detained at Kioto, and his departure from time to time delayed by order of the Mikado, as we were also informed. Mito was sent to Yedo as Vice-Tycoon, and to his brother, Stotsbasi, was delegated the authority to expel foreigners. The latter arrived at this place near the expiration of the time fixed by the admiral for the commencement of measures of compulsion. An intrigue was in progress with Ogasawara, the minister of foreign affairs remaining at Yedo, for conferring the office of Tycoon on Mito, and it could not succeed if the British fleet were bombarding Yedo. Under these circumstances Osano Egano-kami, having charge of the custom-house and the public money at Kanagawa, of which he was governor, and, being a protege of Ogasawara, was ordered to pay and did pay the indemnity, while, at the same time, Ogasawara gave the notices decided on at Kioto. It was ultimately found that the conspirators could not control the council of Daimios remaining at Yedo. Ogasawara was dismissed from office, as was also the governor who paid the money. Stotsbasi was said to have committed hara-kiri, in consequence of the discovery of a conspiracy to assassinate the Tycoon on his return, but the better opinion is he is in disgrace, and confined to his palace. Before this the regent Matsudaira Etsizen-no-kami, understood to be unfriendly to the Tycoon, and suspected to be implicated, had been dismissed.

Troops were sent forward from Yedo for the protection of the Tycoon, who returned by sea instead of by land, in consequence of the discovery of the designs of Stotsbasi, &c. But it was not till after these events had occurred that the Tycoon was able to obtain the requisite leave to return, and, it is said, with the understanding that he is to carry out the orders of the Mikado more faithfully than the agents first commissioned.

It is understood that a grand council of Daimios is now in session at Yedo, preparing the report which is to be given to the Mikado.

I give this as the only intelligible solution of the strange policy pursued. It is probably as true as any which can be found.

While relations with this government remain unchanged, business is in a very unsatisfactory condition. The export of silk last year reached over 25,000 bales, valued at \$8,000,000. It was estimated it would this year reach 3,500 bales, the increase of the preceding year having been about 7,000 bales. Though the export this year, up to this time, has equalled that of last year to the same period, it has for several weeks come in very slowly, in consequence of the interference, it is said, of a guild at Yedo charged with its inspection. The government has disclaimed all interference, and, I believe, with truth. If it were a mere combination of the producers to obtain higher prices, no reasonable grounds of complaint would exist, as such combinations are not unknown in more civilized countries. It would be, in point of fact, merely a struggle between capital and labor, in which the former would ultimately be sure to be the victor. But it is understood that the producer as well as the capitalist complains of the restriction, which is imposed rather in the interest of the Japanese purchaser of silk and the native manufacturers and sellers of manufactured goods.

The government has now promised that it will take measures to have it sent forward more freely. Whether the government will be able to break up a combination it declared itself powerless to prevent is very uncertain. While it is confidently hoped the restrictions will be removed, the government may contemplate their continuance, and declare they are thus proved to be not properly subject to its control.

A more serious disturbance of trade arises from the hostile attitude assumed by lawless retainers of Daimios, acting, probably, under the protection and direction of their chiefs, towards the native merchant. Failing in their attempts to intimidate the foreign merchant, they have, accidentally or with great sagacity, struck a blow at trade in the only direction where it can prove a vital injury. Two leading silk merchants of Osacca have been assassinated by these lawless men, and a notice daringly placed beneath their heads that they were put to death for dealing with foreigners. This notice was signed as if by the order of the Mikado. Other merchants have been driven from their houses. There can be no doubt of the truth of the above reports, as they have been obtained from agents of some of the parties here, and several houses at this place have closed up their business in consequence thereof.

You will see I have made reference to a guild at Yedo. It is an interesting fact, that here, where the counterpart of the feudal system exists, also exists the counterpart of institutions which gave that system its death-blow, at least in the low countries.

Merchants and others, of what may be called the middle or lower classes, invariably seek protection from some Daimio, or are enrolled as members of some guild or society; and these societies, whether of the carpenters, or smiths, or gardeners, or coolies, are very clanish, and an injury to one of the members is often expiated in the blood of the aggressor. A fierce fight occurred here a short time since between carpenters and coolies, and for a few days the bettoes (grooms of horses) were triumphant, even over the local police, whose members they beat and bound and otherwise maltreated.

I shall probably be able to advise you in a few days of the result of the conference at Yedo.

I have the honor to be, sir, very respectfully, your most obedient servant,
ROBERT H. PRUYN,
Minister Resident in Japan.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Pruyn to Mr. Seward.

No. 67.]

LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, Yokohama, October 15, 1863.

SIR: I have the painful duty to inform you of another shocking murder.

This afternoon, at 2 o'clock, Lieutenant Camus, 3d battalion d'Afrique, was riding on a pleasant road leading to the village of Kanagawa, and when about two miles and a half distant from this place was attacked by three two-sworded men, and most frightfully cut to pieces.

Intelligence of the wounding of a foreigner was given to all the consuls by the governor of this place, and mounted men, of both the British and French guard, were despatched to the spot. Our consul, Colonel Fisher, attended by Mr. Banks, the acting United States marshal, and accompanied by Dr. Jenkins, of the British consulate, under the guidance of Japanese officers, reached the place nearly half an hour in advance of the guard.

The body was found surrounded by numerous Japanese officials. The right arm, with a portion of the bridle over it, was found several feet distant from the body. The flesh of the left arm was sliced off to the bone; another wound cut off the left side of the face, and passed down through the left shoulder, leaving the arm attached to the body only by a small portion of the flesh, reached clear to the region of the heart. One wound severed the jugular vein; another, from the other side of the neck, severed the spinal column. The face was so awfully disfigured as scarcely to admit of recognition. These details I would gladly omit, but you then could have no idea of the true character of these two-sworded men.

The body was borne to the house of the minister of France, and when I visited him I saw it. I hope I may be spared another such sight.

Lieutenant Camus was entirely unarmed. He had remarked, shortly before riding out, that he had found the Japanese always friendly; that he had never been molested, and thought it unnecessary to carry any arms. It appears quite certain that the rein was in his right hand, and that he had no chance of defending himself, even had he been armed. He was an officer of great promise, a friend of the family of Admiral Jauries, and had been highly distinguished in the Italian campaign. Being unarmed, and of an unusually amiable disposition, it is not possible he could have given any provocation.

The mail has closed; but Colonel Neale having kindly offered to place this despatch in the Foreign Office bag, I am enabled to send it by the steamer which leaves to-morrow.

I this evening received a letter from the minister of foreign affairs, asking me to delay my return to Yedo. I will send a copy of the letter by the next mail, and ask your instructions.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,

Minister Resident in Japan.

HON. WILLIAM H. SEWARD,

Secretary of State, Washington.

Mr. Pruyn to Mr. Seward.

No. 70.]

LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, Yokohama, October 30, 1863.

SIR: I have the honor to transmit herewith No. 1, the *compte rendu* of a conference held at Yedo, by the consul-general of the Netherlands and myself, with the Gorogio, and in pursuance of an invitation originally given to meet

them at the governor's residence at this place, and afterwards at Yedo, on the ground that all the members of the Gorogio desired to be present, and could not absent themselves at the same time.

Copies of the same have been given to our colleagues.

I make no comment upon the extraordinary proposition now made. It is regarded by my colleagues and myself as one threatening serious consequences.

It has long been apparent that nothing but the presence of a formidable force can insure the safety of the foreign community, and it is quite certain that, though individuals may be murdered, no attack will be made so long as such force is at hand. In the absence of it, I think it can scarcely be doubted that hostilities would ensue.

The British chargé d'affaires informs me the government of Great Britain has directed the commander-in-chief of the forces in China to send troops here, whenever requested by him.

A letter has been sent to me by the Gorogio, requesting another conference on Saturday next, of which I enclose translation, No. 2; also copies of the replies of the British representative and myself, enclosures Nos. 3 and 4.

I shall transmit copies of the replies of the minister of France and consul-general of the Netherlands as soon as received by me.

In consequence of placards affixed to the governor's residence, threatening with death some of the native merchants, several have abandoned their business, and, in two instances, have demolished their dwellings and stores, in proof of their sincerity.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,

Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington.

Enclosure No. 1.

Memorandum of an interview of the minister of the United States and the consul-general of the Netherlands with the Gorogio, in the presence of the members of the second council, the governors for foreign affairs, and other officials of rank, held at Yedo on the 26th of October, 1863.

The Japanese government being extremely desirous that the friendship between the United States and Holland with Japan should not be interrupted, has invited you, the representatives of these powers, to this conference, for the purpose of making an important communication.

This important communication will render many conferences necessary, in order that you should hear all its reasons and fully be acquainted with its views. And we, the Gorogio, have, therefore, appointed two commissioners for this purpose, namely, Takemoto Kai-no-kami and Ikido Siuri.

The unsettled state of things in our realm is increasing. We are apparently approaching a revolution; there may be a general uprising among the people who hate foreigners, and to our shame we must confess that we have no power to suppress this insurrectionary movement.

It is principally owing to the opening to trade of Yokohama that this deplorable state of things exists.

If a continuance of trade at Yokohama be persisted in, the state of affairs will grow worse. Trade will suffer, and no doubt disappear in consequence, and then the friendship will be destroyed. It was to establish friendly relations

that the treaties were made, as may be seen in the heading of each of them. Friendship is the corner-stone; trade is subordinate to friendship. We have always considered that the framers of the treaty intended it as an experiment, to last as long as it would not prove injurious to Japan. In order to perpetuate this friendship, it is of the highest mutual interest that the port of Yokohama be closed to trade, and, in our opinion, this is the only way to allay the prevailing excitement.

We request you to inform your governments that the notification of Ogasawara Dsulio-no-kami relating to the expulsion of foreigners will be withdrawn, and to ask their consent to have the trade transferred to Nagasaki and Hakodadi. We do not desire any further alteration in the treaty.

A. M. and N. C. G. We regret that a proposition of such great importance was not submitted at the same time to the ministers of France and Great Britain, and we request you to give us the reasons for this omission.

GOROGIO. It is our intention to ask the ministers of France and Great Britain to confer with us on the subject; but we desire you to come first, as we first made treaties with America and Holland.

We request you meanwhile not to acquaint these ministers with the subject-matter of the present conference, lest they should decline to meet us.

A. M. and N. C. G. This is very probable, for we would have saved ourselves the trouble of coming to Yedo, if we had known of your proposition. We are on the best terms with our colleagues, and I shall not fail to acquaint them immediately on our return, this very evening, if possible, with your views. Our governments would no doubt reprimand us severely if we failed to do so.

We must observe here that we feel ourselves slighted by your invitation to come to Yedo for no other purpose than to listen to the very objectionable proposition you make; we are willing, however, to overlook this, as we are sure it has been occasioned by no want of politeness.

GOROGIO. We are very sorry that you look upon it in that light. We intended to come to Yokohama, but the importance of the subject in our opinion was such that we desired all the members of the Gorogio to be present, and as we could not all leave Yedo, we invited you to meet us here, and no slight was intended.

A. M. and N. C. G. We feel convinced that the treaty powers will never consent to the closing of Yokohama for the purposes of trade.

GOROGIO. We greatly regret this, as the friendly relations will then be in great danger. An unfortunate accident recently occurred in the vicinity of Yokohama; this is owing to the unsettled state of things in our empire. Similar accidents may occur again, and if this general uneasiness continues, or should increase, perhaps production may decrease; trade in all probability would suffer then, or perhaps come to a standstill altogether, and hence our apprehension for the existing friendly relations.

Could not now the port of Yokohama be closed to trade by the foreign representatives without first instruction from their respective governments?

A. M. and N. C. G. Not a letter of the treaty can be altered by us. We do not think any representative has the power to do so. We are in Japan to see that the treaties be observed, and that our citizens and subjects act in a proper manner. We must distinctly observe to your excellencies that the treaties were never meant to be experiments, but that it is explicitly stated that they were made to perpetuate friendship and commerce between our respective governments and their citizens and subjects.

We cannot agree to receive your plenipotentiaries, as it might be construed that we had entered into negotiations with you on the subject. We will confer with our colleagues, however, and jointly decide whether we will have any further conference on the subject.

It is impossible to abandon Yokohama. Heavy amounts have been invested in building and warehouses, &c., &c. If we went to Nagasaki and Hakodadi, we would be at too great a distance from the central government, and interviews with the Gorogio would be rendered impossible.

GOROGIO. We thought of this, and will appoint plenipotentiaries to reside there, and to hold interviews with the representatives. These plenipotentiaries will have power to decide on all matters without reference to Yedo.

N. C. G. My government has already consented to an extension of the opening of Osacca, Hiogo, &c., and it may be expected that if it make further concessions now, still more would be asked of it.

GOROGIO. Should the closing of Yokohama be granted by the treaty powers, no further modifications of the treaty would be required by us.

A. M. and N. C. G. We can give no better proofs of our friendship towards the Japanese than by frankly advising your government to dismiss all idea of having Yokohama closed, but to apply itself diligently in favor of a rigid maintenance and faithful execution of all articles of the treaties.

The abandonment of Yokohama would only serve to encourage the reactionary party, and more alteration would be constantly demanded from your government.

A. M. I call your attention to the fact that the American government has not yet formally consented to postpone the opening of Osacca, Hiogo, &c. I now wish to say that I informed my government last year that I thought it best to give such consent, but now I am satisfied it was a mistake for the treaty powers to make any such concession; it has only encouraged the hostile party to make now more demands.

A. M. and N. C. G. We perfectly agree in considering the application of the Japanese government for the postponement of the opening of Osacca, &c., as a mistake, the revolutionary party having been encouraged thereby to ask now for the closing of Yokohama.

As long as the Japanese government fails to resist this revolutionary party, it will have no peace. We are under the impression that it would be far better for the Japanese government, if it has no power to suppress these revolutionary tendencies, to apply for aid (as last February it intimated that it might do) to the treaty powers.

GOROGIO. To call in the aid of the treaty powers is not according to Japanese laws and customs, and would have the most disastrous results.

We received strict orders from the Tycoon to negotiate about the closing of Yokohama, and, therefore, respectfully urge upon you to receive our plenipotentiaries, to confer with them, and to be made acquainted with all the circumstances.

A. M. and N. C. G. We request your excellencies distinctly to understand that we shall not enter into negotiations on the subject; the most we could do would be to listen to your views in order to fully transmit them to our respective governments.

A. M. I wish to say that your ancient usages cannot be alleged and accepted as an excuse for a failure to comply with your treaty obligations, nor for your exemption from the application of the principles of international law. These usages must give way whenever they come in conflict with your new obligations.

N. C. G. What has been done by the Japanese government towards punishing the Prince of Nagato, who, in such a cowardly and treacherous manner, fired from his batteries upon a Netherland man-of-war, and other foreign ships at Simonoseki?

GOROGIO. An arrangement is now being made with the Prince of Nagato.

N. C. G. Why was he not promptly punished?

GOROGIO. It is the custom in Japan to act with deliberation in such matters.

N. C. G. It is to be regretted that prompt action was not taken in this matter, as my government may now be inclined to think that the Japanese government has not disapproved of the acts of the Prince of Nagato. I have only further

to observe that an old Dutch proverb says, that soft surgeons are apt to make hard wounds.

A. M. I am instructed by the President of the United States, in a conciliatory manner, and as a proof of friendship, to caution the government of the Tycoon that any aggression on any of the treaty powers will be likely to lead to your being involved in difficulties with all. I wish also to say for myself that, much as revolutions are to be deprecated and avoided, there are worse things than attempts at revolution which may be put down. A government must have more than a name. It must have and exercise authority, and cause itself to be respected.

The Prince of Nagato has seized one of your ships, and has attempted to seize the person of the Mikado. If the Tycoon should seize his province bordering on the Straits of Simonoseki, and make it imperial territory, no Daimio would in future defy his authority.

GOROGIO. This we could not do; we do not know he has made such attempts on the Mikado.

A. M. Why, then, has Nagato been expelled from Kioto?

GOROGIO. We believe because the Mikado does not like him.

The Gorogio then urged again that we should not mention to our colleagues what had taken place, as the government wished them to come to Yedo to receive the communication.

We peremptorily declined compliance with such request, repeating that we had come to Yedo in ignorance of the communication to be made; but should we now suffer our colleagues to come under similar circumstances, they would have great cause of complaint against us.

On taking leave we were asked what we thought of the Satsuma matter—whether it was right or wrong; and replied that we had no opinion to offer.

[Enclosure No. 2.]

In regard to the matter about which we yesterday held an interview with your excellency and the Netherlands consul-general, we have to say that we desire further to confer on that subject with you, in the presence of the French minister, the English chargé d'affaires, and the Netherlands consul-general, and request you, therefore, to come to Tskitshi, at the Gunkang Sorenjo, (navy yard, Yedo,) on the 19th day, at 9 o'clock, (the 31st of October, at noon.) Should you not be able to come on that day, we request you to propose another day for that purpose.

And as there is much apprehension lest an accident happen, as was recently represented to you, we request you to come by water. We trust that after consultation with your colleagues you will be able to meet us.

Which we have to state with respect and esteem.

On the 15th day of the 9th month of the third year of Bunkin, (the 27th of October, 1863.)

MIDSUMO IDSUMI-NO-KAMI.

ITAKURA SUWO-NO-KAMI.

INOWUYE KAWATSI-NO-KAMI.

ARIMA TOTOMI-NO-KAMI.

His Excellency ROBERT H. PRUYN,

Minister Resident of the United States.

[Enclosure No. 3.]

*Lieutenant Colonel Neale to their excellencies the Japanese Ministers for Foreign Affairs.*YOKOHAMA, *October 28, 1863.*

YOUR EXCELLENCIES: I have received your letter inviting me to proceed to Yedo to hold an interview with your excellencies on the 31st instant, upon a subject regarding which you wish to enter on a discussion with me.

My colleagues, the minister of the United States and the consul-general of the Netherlands, have informed me that in like manner you invited them, two days ago, to repair to Yedo to confer with you on an important matter, which you did not specify; and that upon their arrival at Yedo the purport of your communication amounted to the total subversion of treaty rights.

Without further entering into the particulars of your communication, and of which my colleagues have informed me, I have to state to your excellencies that, as the representative of her Majesty the Queen of Great Britain and Ireland, I decline to respond to your invitation of repairing to Yedo for the purpose of discussing any such unheard-of communication, or to receive any envoys charged with similar communications.

The utmost measures I will adopt, under the circumstances, is to report to my government what you may communicate to me in writing, and in becoming terms. I have, therefore, to engage your excellencies to state to me by letter, explicitly and categorically, what the government of the Tycoon proposes, and wishes me to convey to her Britannic Majesty's government; and it only remains for me to add that, inspired on my part, as the representative of Great Britain, with no hostile feelings nor designs against this country, I trust that the government of the Tycoon will duly weigh and consider the sense and probable consequences which it may desire me to make known to the powerful nation I have the honor to represent.

It is also my duty to add that, pending the reference of any such unusual and extraordinary communication (made to me in writing) to her Britannic Majesty's government, should hostile or aggressive acts be committed by the government of the Tycoon, or by any Daimio, against the relations of amity and commerce established by treaty made and duly ratified by Great Britain and Japan, such will be resented by corresponding acts of retaliation by her Majesty's forces, in defence of the national honor, and of the treaty rights I am placed here to maintain and protect.

With respect and high consideration,

E. ST. JOHN NEALE,

Her Britannic Majesty's Chargé d'Affaires in Japan.

[Enclosure No. 4.]

No. 118.]

LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, Yokohama, October 28, 1863.

To the GOROGIO:

I have to say, in reply to your excellencies' letter, that I feel constrained to decline another interview, to listen to further propositions in reference to the abandonment of Yokohama, which I presume is the object of the proposed conference on Saturday next. Nor should I have met you on Monday, had I known the nature of the communication you wished to make on that occasion.

I can only say, as I did at that interview, that if your excellencies wish any proposition to be made to my government, it is indispensable it shall be made in

writing. I will promptly transmit a copy to the President, but repeat that I can give you no hope whatever of success. It has become perfectly evident that every concession, thus far granted, has been made the basis of a new demand. I therefore renew the advice I then gave you. Let it be at once proclaimed that his Majesty the Tycoon will faithfully observe the existing treaties and require his subjects to do the same. Peace in Japan will be secured by such an exhibition of good faith and vigor. A contrary course invites to a resistance of the authority of the Tycoon. It holds out expectations which will never be realized, while it encourages a defiance of his authority which may subject him to the twofold danger of a civil war and of serious difficulties with all the treaty powers.

With respect and esteem,

ROBERT H. PRUYN,
Minister Resident of the United States in Japan.

[By telegraph.]

Mr. Pruyn to Mr. Seward.

No. 71.]

LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, Yokohama, October 30, 1863.

SIR: Government has asked the abandonment of this port, promising trade and friendship at Nagasaki and Hakodadi, and intimating that trade cannot continue at this port.

My colleagues desire this to be communicated to ministers of treaty powers at Washington.

Very respectfully,

ROBERT H. PRUYN,
Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Pruyn to Mr. Seward.

No. 74.]

LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, Yokohama, November 13, 1863.

SIR: I have the honor to inform you that the Gorogio on the 9th instant sent to me three governors for foreign affairs, to induce me to persuade my colleagues to visit Yedo, to hear the reasons which induce them to desire the closing of this port.

I took advantage of this visit to say that I had great cause of complaint, because, while the government invariably sought my assistance when in difficulty, it had not even acknowledged the receipt of letters giving advice, which they had subsequently by their action admitted to be friendly and wise.

I had urged them in two different letters to withdraw the letter of Ogasawara, and the Gorogio had not even shown me the courtesy to acknowledge their receipt. Yet their present proposal to negotiate for the closing of one port was a practical acknowledgment that the government were guilty of a grievous error in announcing its settled determination to close all the ports. They said it had been intended to make that letter the basis for further negotiations. To this I replied, that nothing had been left for negotiation, but a determination to close the ports had been announced as the settled policy and purpose of the government.

I then remarked I had informed the government that the treaty powers had a right to regard that letter as equivalent to a declaration of war, and that it was extremely important, therefore, that the letter should at once be withdrawn; that it would be too late to do so after expenses had been incurred by the treaty powers in consequence of its receipt; and though it might be too late to withdraw it now, and escape that danger, it would be extremely hazardous to defer it longer.

I have the pleasure to enclose No. 1, copy of a letter addressed to me, as the result of that interview, and No. 2, copy of my reply.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,

Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington.

No. 1.

The Gorogio to Mr. Pruyn.

We have to state to your excellency that, at present, the former opinion of our government having changed, it is desirable that the letter which Ogasawara Dsusio-no-kami recently, when in office, addressed to you in relation to the closing of the ports, be soon returned.

Which we have to state, with respect and esteem.

The 1st day of the 10th month of the 3d year of Bunkiu, (November 11, 1863.)

MIDSUMO-IDSUMI-NO-KAMI.

ITAKURA-SUWO-NO-KAMI.

INOWUYE-KAWATSI-NO-KAMI.

ARIMA-TOTAMI-NO-KAMI.

His Excellency ROBERT H. PRUYN,

Minister Resident of the United States of America, &c., &c., &c.

No. 2.

Mr. Pruyn to the Gorogio.

No. 129.]

LEGATION OF THE UNITED STATES IN JAPAN,

Kanagawa, Yokohama, November 13, 1863.

To the GOROGIO:

I have received your excellencies' letter in relation to the withdrawal of the letter of Ogasawara with much satisfaction, and I thank your excellency for having promptly followed the advice I gave you a few days since.

Your excellencies will recollect that I have written several letters urging this step, and while I regret that you have not acted earlier, I hope the delay will not prove prejudicial. I presume you do not wish to have the letter delivered to you, but to have it considered as withdrawn.

To this I assent, and will send you the letter itself if desired.

With respect and esteem,

ROBERT H. PRUYN,

Minister Resident of the United States in Japan.

Mr. Pruyn to Mr. Seward.

No. 75.] LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, Yokohama, November 16, 1863.

SIR: I have the honor to inform you that the prince of Satsuma has agreed to pay, within four days, the sum of £25,000 demanded by the government of Great Britain as a further indemnity for the murder of Mr. Richardson in September, 1862.

The demand for the surrender of the murderers has been practically abandoned, though the prince has promised to use his efforts for their discovery and arrest.

I have the honor to be, sir, very respectfully, your most obedient servant,
 ROBERT H. PRUYN,

Minister Resident in Japan.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Pruyn to Mr. Seward.

No. 76.] LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, Yokohama, November 28, 1863.

SIR: I have the honor to inform you that at the interview referred to in my despatch No. 74, of the 13th instant, I requested the governors for foreign affairs to call the attention of the ministers to the immediate settlement of the damages sustained by the owners of the *Pembroke*. I also notified them, that if any proposition was to be made for the settlement of the outrages upon our citizens at this place, it should be made without further delay, as I should otherwise refer the whole matter to my government. I stated distinctly, I made no demands for the insult to our flag in firing on the *Pembroke*, nor on the *Wyoming* before any provocation was given, as I wished to leave that for the decision of the President, but that I would be prepared to receive any propositions which the government might be disposed to make.

I have now the satisfaction to inform you that, on the 27th instant, the same governors waited on me, and informed me that they had been instructed by the Tycoon's government to say, that it had fully considered the case of the *Pembroke*, and arrived at the conclusion that the claim was just and reasonable, and that the bill of damages presented by Messrs. Russell & Co. should be paid; but that the government wished the time of payment delayed till the public feeling had become more tranquil.

I asked the governors whether they were prepared to name any time when the money would be paid. Ever since I have been in Japan the government has felt obliged to plead the state of public feeling as an excuse for avoiding or delaying action, and I saw no prospect of a change. While I thanked the government of the Tycoon very gratefully and sincerely for the friendship it had shown to myself personally, and especially to the government of the United States, I could not see how I could with propriety, or indeed with honor, accept of an excuse for delaying the payment to citizens of the United States of so small a sum, at the very time one of so much greater magnitude was to be paid to Great Britain.

The governors dwelt strongly upon the difference between the two cases. In the case of the British demands the delay had occurred in admitting them at all. In this case the government at once conceded the propriety of paying

the amount, and only wished to delay the time of payment. Though the amount to be paid was small, the hostile Daimios, who were watching the government closely, would be as much offended as if a large amount were paid. The amount would not be so much considered as the payment of any indemnity whatever. As I had always been friendly, they wished me to consider well the whole subject, and agree to a delay.

I replied, I was very anxious to do all in my power to show my friendly feelings and that of my government, but the promise was too indefinite and vague. If I should apply for payment in a month, or in a year, or even two years, and the government still urge the same difficulty, I could interpose no objection to further delay if I admitted the excuse now. That it would give me great pleasure to report to the President the expressions of friendship they had been instructed to make, which would be received by him with great satisfaction, and would communicate their offer; but unless payment was actually made there could be no final settlement, and I must be at liberty to decline receiving the amount when tendered, if, meanwhile, instructions should arrive which should oblige me to do so. They then said they would report what I had said, and the government would reconsider the subject.

I then reminded the governors of what I had said about the insult to our flag, stating that I did not wish to demand any money indemnity, though I wished the Daimio punished; that if the government were disposed to offer a sum which would provide annuities for the families of the dead and for the wounded of the Wyoming, I would, for the purpose of giving further proof of friendship and moderation, take the responsibility of settling the entire case on such basis; but I made no specific demands, preferring, unless some offer was made, to await instructions.

The governors said that the government had been disposed to regard that offence as fairly offset by the punishment inflicted. The Wyoming had been fired on, and had promptly returned the fire; they had no instructions in reference to that part of the case, though they had well understood and represented the distinction I had made between the private damage and the national insult.

They continued to urge me to agree to a delay in the payment of the indemnity to Messrs. Russell & Co., saying that the government did not wish to delay the time until the public feeling of Japan was more quieted, but until the government had settled with Nagato.

I replied, the period might be too remote; that the prince had seized their steamer, and their ambassadors from whom they had not heard, and there appeared, therefore, little prospect of a settlement in that quarter. They then informed me that the steamer had returned to Yedo. I then asked whether Satsuma had sent forces against Nagato. They said that he was not fighting against him in his territories, but the report had probably arisen from the fact that he had despatched forces to Kioto to assist in driving Nagato from that city, when he was engaged in hostilities against the Mikado. The governors left me with the promise to return after having received further instructions.

I shall, after having disposed of the case of the Pembroke, urge a settlement of the cases which have arisen at this port. The interview in question was too protracted to admit of it.

It is quite certain that Nagato, after having successfully resisted the three Daimios sent to chastise him, will be obliged to yield to the formidable force now arrayed against him. The governors said he had retired from Kokura, a city south of the straits, and is now within his own territories.

I have urged that the north side of the straits should be made imperial territory, and that is the basis of a settlement I should advise. This will punish Nagato by weakening his power, and at the same time make the Tycoon responsible for the free navigation of the straits.

The President will see, in this offer of the government, additional and con-

clusive proof that in sending the Wyoming to Simonoseki, hostilities were not commenced against the Tycoon, but only against a rebel to his authority, as well as one I rightfully regarded as an outlaw.

Satsuma has not yet paid the British demand ; but I suppose it will be paid, as I cannot see what motive he could have in making a promise he had no intention to carry out.

I had supposed the proposition to close Kanagawa was only made for the purpose of quieting the hostile Daimios ; but there has been strange persistence in pressing for other interviews for the purpose of urging the abandonment of this port.

In other respects no unfavorable change has occurred. My relations with the government are very friendly and pleasant.

I have the honor to be, very respectfully, your most obedient servant,

ROBERT H. PRUYN,

Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Pruyn to Mr. Seward.

No. 78.]

LEGATION OF THE UNITED STATES IN JAPAN,

Kanagawa, Yokohama, November 28, 1863.

SIR : I have the honor to transmit herewith Nos. 1, 2, 3, 4, 5, and 6, my correspondence with the ministers on the subject of my return to Yedo, which I have been anxious to effect. While my residence there would place me in more intimate relations with the government, it would almost isolate me, and put me at great disadvantage in my intercourse with my colleagues, with whom, at this juncture, frequent conferences are desirable. I had determined, however, to return until the receipt of the last letters of the Gorogio. Merchants at Yedo, who might be supposed to have a small interest in my return to that city, unite in representing it as the scene of great disorders and much bloodshed.

While I think that the ministers were very anxious, on political grounds, in view of the assemblage at Kioto and the conference with the Mikado, to cause me to leave Yedo, and while recent events satisfy me more fully that some of their partisans, at least, were privy to the destruction of the legation buildings, I now believe that anxiety for my safety is the real and principal, if not the only cause why the government prefer I shall not return.

I should be pleased to have your views for my guidance, though I may have decided on returning before they arrive.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,

Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Pruyn to the Gorogio.

No. 98.]

LEGATION OF THE UNITED STATES IN JAPAN,

Kanagawa, Yokohama, August 20, 1863.

To the GOROGIO :

I cannot refrain from expressing my surprise and regret that so many important letters which I have addressed to your excellencies remain unanswered.

I shall visit Yedo next week for the purpose of holding an interview with your excellencies, and wish you to fix the day when it will be convenient to receive me, and to inform me of it immediately.

I am forced to insist on this, as the governors for foreign affairs, who recently visited the French minister, failed to call on me, and thus deprived me of an opportunity of communicating with your excellencies.

I am now daily expecting a vessel with furniture from Shanghai, and as on its arrival I shall be prepared to resume my residence in Yedo, I wish to be informed whether any place of residence is prepared for me.

I have, at this place, so little opportunity of communicating with the government, and your excellencies are so remiss in answering my letters, as to make it my duty to hasten my return to Yedo.

With respect and esteem,

ROBERT H. PRUYN,
Minister Resident of the United States in Japan.

The Gorogio to Mr. Pruyn.

We have to inform you that, since the destruction by fire of your residence, we exerted ourselves to have it rebuilt, and a plan for the same is now being prepared. The place, however, where you could now reside temporarily has already been prepared.

With respect and esteem.

The 18th day of the 7th month of the 3d year of Bunkiu, (August 31, 1863.)

MATSUDARIA BOOD-ZEN-NO-KAMI.
MIDSUMO IDSUMI-NO-KAMI.
ITAKURA SUWO-NO-KAMI.
INOWUYE KAWATSI-NO-KAMI.

His Excellency ROBERT H. PRUYN,

Minister Resident of the United States of America, &c., &c., &c.

Mr. Pruyn to the Gorogio.

No. 108.]

LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, Yokohama, September 29, 1863.

To the GOROGIO:

As I left Yedo at the request of the government of his Majesty the Tycoon, I think it proper to ask of your excellencies an assurance that the dangers which alarmed the government have passed by, and that the government is able to extend the requisite protection to the legation.

I do not ask this because of any fear which I have, but because I think such assurance is due to my government. As I informed the President of the United States of the message you caused to be delivered at the time I left Yedo, I wish to send to him your formal declaration of the improved condition of that city.

I propose still to rely entirely on a guard to be furnished by the government of his Majesty the Tycoon, and on receiving a letter from your excellencies I shall be prepared, on the arrival of my furniture, to resume my residence in Yedo.

With respect and esteem,

ROBERT H. PRUYN,
Minister Resident of the United States in Japan.

The Gorogio to Mr. Pruyn.

We fully understood what you stated in your letter, No. 108, of the 29th September.

You certainly will not doubt that officers will be sent (though you did not ask it) to your legation for protection, and that we will use our best efforts in this respect as far as lies in our power.

Though in great anxiety, and constantly exerting ourselves for the prevention of accidents, no opportunity has yet presented itself for the suppression of the unsettled state of affairs, which gives us much uneasiness; hence it is impossible to give you the assurance you desire.

We request you, therefore, to postpone for some time longer your return to this city, and to remain in Yokohama for the present, which we have to state in reply.

With respect and esteem.

The 1st day of the 9th month of the 3d year of Bunkiu, (October 13, 1863.)

MATSUDARIA BOOD-ZEN-NO-KAMI.

MIDSUMO IDSUMI-NO-KAMI.

ITAKURA SUWO-NO-KAMI.

INOWUYE KAWATSI-NO-KAMI.

ARIMA TOTOMI-NO-KAMI.

His Excellency ROBERT H. PRUYN,

Minister Resident of the United States of America, &c., &c., &c.

Mr. Pruyn to the Gorogio.

No. 110.]

LEGATION OF THE UNITED STATES IN JAPAN,

Kanagawa, Yokohama, October 15, 1863.

To the GOROGIO:

I have the honor to acknowledge the receipt of your excellencies' letter, requesting me to delay my return to Yedo. I have never had any doubt that you were prepared to furnish all needful guard for the protection of the legation, and I am exceedingly anxious to resume my residence there.

Considerations of public duty influence my mind, and to these are super-added those of personal convenience. When I left Yedo I was unable to secure a residence here, and when I found one that would answer I was unable to obtain any furniture. Now that my furniture is on its way from Shanghai, and daily expected, I cannot hire a dwelling. The only suitable one I can get will not be ready for me till February. I will, therefore, thank your excellencies to send a governor for foreign affairs to this place, so that I may obtain such needful information as may enable me to decide what is the proper course for me to pursue; and I desire that he may be fully informed, also, of your wishes and intentions as to the conclusion of the treaty, which are not sufficiently disclosed in the letter I received this day.

If he is at the same time authorized to close all open questions now pending, it may serve to render an interview with your excellencies unnecessary.

With respect and esteem,

ROBERT H. PRUYN,

Minister Resident of the United States in Japan.

The Gorogio to Mr. Pruyn.

Ogasawara Setto-no-kami having recently held an interview with your excellency upon various matters, under our instructions, you spoke to him on that occasion about your return to that city, which he communicated to us, and which we fully understood. Many persons congregate in this city, and there are many rough and bad ones amongst them. We believe that you did already take into due consideration that we are in great anxiety on this subject; and recently an accident took place in the vicinity of Yokohama. Taking all things together, we prefer that you should not reside in this city at present, and, greatly to our regret, we have to request you to remain some time longer at Yokohama, and to await our further considerations on the subject.

With respect and esteem.

The 11th day of the 9th month of the 3d year of Bunkiu, (October 23, 1863.)

MIDSUMO IDSUMI-NO-KAMI.

ITAKURA SUWO-NO-KAMI.

INOWUYE KAWATSI-NO-KAMI.

ARIMA TOTOMI-NO-KAMI.

His Excellency ROBERT H. PRUYN,

Minister Resident of the United States of America, &c., &c., &c.

Mr. Pruyn to Mr. Seward.

No. 79.]

LEGATION OF THE UNITED STATES IN JAPAN,

Kanagawa, Yokohama, December 1, 1863.

SIR: The government have agreed to pay the sum of \$10,000, being the bill of damages presented by Russell & Co., for the interruption of the voyage of the *Pembroke*.

Satsuma has not paid British indemnity, though eight days overdue; explanations have been asked from Gorogio.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,

Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Pruyn to Mr. Seward.

No. 80.]

LEGATION OF THE UNITED STATES IN JAPAN,

Kanawaga, Yokohama, December 1, 1863.

SIR: Last evening Takemoto Kai-no-kami, senior governor, and five other governors for foreign affairs, waited on me. They were directed by the government to say, as I had stated to the ministers when at Yedo, though refusing to enter into any negotiations for closing this port, that I would transmit any communications in reference thereto which they might send me for the consideration of my government; the ministers proposed sending a letter, but a personal explanation might be necessary. They were instructed to ask what reception would be given to an embassy in Europe and in the United States. To this I replied, I was not prepared to say what reception would be given to one in Europe, but that I could say, without hesitation, that an embassy would be kindly received in the United States; and that any representations it might be instructed to make would be listened to patiently, and carefully considered,

though I could hold out no hope of success. They said that if an embassy should be sent, they begged most earnestly that no such expensive reception should be given to it as on the occasion of the former one. I was then asked, as Russia had no minister here, whether, if it were decided to send such embassies, I would consent to be the medium of communication with that government. They preferred this, rather than request the friendly services of my colleagues. I replied, that in view of the uninterrupted and firm friendship which had signalized the relations of the United States and Russia, I would willingly transmit any communication they wished to make, as I had no doubt it would be agreeable to my government, and not unacceptable to his Majesty the Emperor of Russia. I then asked whether they had conferred with my colleagues on the subject, and was informed they had not; that the government would now consider the subject, and, as soon as they had arrived at a decision, would confer with my colleagues. The governors then said, as I was so much engaged, they would take their leave, though they had other business which they would postpone for a few days. When they solicited the interview, the message brought to me was, that it was the governor of Kanagawa who wished to be received; and I had replied, that, unless his business was pressing, I wished it postponed for two days, as I was preparing despatches for my government, and also for the immediate return home of my son, Robert C. Pruyn, who has been attached to the legation for nearly two years. I then stated that I had hoped, when I heard of their arrival from Yedo, it was for the purpose of fixing an early day for the payment of the sum agreed to be paid to the owners of the *Pembroke*. The senior governor answered he had been absent from the castle for several days, but his colleagues informed him that the government were now reconsidering the subject, and would communicate the result in a few days. It is impossible to say whether there is any serious intention of sending such embassies. It may be that wishing to gain time, and finding it impossible to entangle my colleagues and myself in the meshes of an endless and useless negotiation, it is regarded as the most available alternative. It may be, also, that there are some influential officers who covet the honor, and, perhaps, more eagerly the safety, of an honorable exile at this time. While it may be impossible to refuse a post connected with foreign affairs, disgrace, death, or an equivocal and doubtful promotion await all upon whom the unwelcome mantle falls. Every minister and governor for foreign affairs, save one, who was in office at the time of my arrival, has disappeared from the stage. Death, fines, imprisonment have been the acknowledged fate of some; unheard-of offices and posts, which remove from all contact with foreigners, the declared rewards of others. The present senior governor is the only one who has outlived all changes. One prediction I can make with safety. If any embassy is sent, Takemoto Kai-no-kami, senior governor for foreign affairs, will be the chief. It is very unsafe, however, to make any predictions in this country. The players are unseen, and only occasional glimpses of a portion of the political chessboard can be obtained. The chance discovery of the position of a few of the pieces furnishes the only data for conjecturing the position of others, which may, perhaps, control the result.

I have the honor to be, sir, very respectfully, your obedient servant,

ROBERT H. PRUYN,

Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington.

Mr. Pruyn to Mr. Seward.

No. 81.]

LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, December 14, 1863.

SIR: As stated in my despatch No. 73, of the 11th ultimo, to which I beg to call your special attention, I am still without later dates from you than the 10th July.

Through the courtesy, however, of the French and British ministers, I have been furnished with a copy of your despatch to me of the 1st September, and also of your despatch of the 12th September, acknowledging receipt of my telegram of the 24th July, relating to the firing upon the Pembroke in the straits of Simonoseki. As the contents of both despatches are known at the British and French legations, I am now preparing to act under the instructions contained in your despatch of the 1st September, without waiting for the original.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,

Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Pruyn to Mr. Seward.

No. 1.]

LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, January 4, 1864.

SIR: I have the honor to transmit herewith No. 1, translation of a letter from the minister for foreign affairs, informing me of the total destruction by fire of the palace of his Majesty the Tycoon, at Yedo, on the 25th ultimo. These buildings had only been finished shortly before my arrival, the old palace having been destroyed by fire in 1859. Rumor says the destruction was the work of Stotsbasi, one of the imperial family, and that powder was used in effecting it. While the information that the Tycoon had escaped is rather strange language in reference to a fire which commenced as early as 6 o'clock in the evening, and gives some color to the rumor, the better opinion is that the fire was accidental. It is said to have originated in the women's apartments, and that the Tycoon's principal concubine, who was the accidental agent in the affair, has committed hara-kiri, (suicide.)

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,

Minister Resident in Japan.

Hon. WILLIAM H. SEWARD, *Washington.*

The Gorogio to Mr. Pruyn.

We have to inform your excellency that last evening, at 6 o'clock, a fire broke out in the northern part of the castle, which, together with the palace Ninar, was totally destroyed. His Majesty the Tycoon fortunately escaped uninjured.

Which we have to state, with respect and esteem.

The 16th day of the 11th month of the 3d year of Bunkiu, (the 26th December, 1863.)

MIDSUMO IDSUMI-NO-KAMI.
ITAKURA SUWO-NO-KAMI.
INOWUYE KAWATSI-NO-KAMI.
ARIMA TOTOMI-NO-KAMI.

His Excellency ROBERT H. PRUYN,
Minister Resident of the United States of America.

Mr. Pruyn to Mr. Seward.

No. 2.]

LEGATION OF THE UNITED STATES IN JAPAN,
Kanawaga, January 5, 1863.

SIR: I have the honor to acknowledge the receipt of your letters Nos. 46 and 50, dated September 1 and October 3, respectively.

Agreeably to instructions contained in your letter No. 46, I have addressed a letter to this government, of which I enclose a copy, enclosure No. 1. The letter is so full as to render any explanatory remarks unnecessary.

I prepared my letter in advance of the receipt of yours, as both the ministers of France and England had received copies which you had furnished, not wishing that my instructions and purpose should be made known in advance of my action.

I have received a letter from the minister of foreign affairs, informing me that, at the time the palace of the Tycoon was destroyed, my letter was burned, and requesting a duplicate, which was sent in. This will delay somewhat their answer. I have no means of saying what it will be, but I cannot believe that demands so just, and at the same time so moderate, will not be promptly adjusted.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,

Minister Resident in Japan.

HON. WILLIAM H. SEWARD, *Washington.*

Mr. Pruyn to the Goregio.

No. 136.]

LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, December 21, 1863.

Having received instructions from the President of the United States to make certain demands of the government of his Majesty the Tycoon, for indemnities for losses occasioned by the destruction by fire of the buildings of the United States legation at Yedo, and for outrages committed on citizens of the United States at this place, I invite the attention of your excellencies to a review of the facts on which such demands are based.

Nearly one year ago, when it had been resolved that his Majesty the Tycoon should visit Kioto, I was urged by the government to withdraw from Yedo till his return; and the efforts to this effect were never relaxed until crowned with success, one week after the destruction of the buildings occupied by the legation in that city. Scarcely an interview took place with a governor of foreign affairs when the inducements to such a determination were not held out. It was represented that my comfort would be thus promoted, and that it would be more pleasant for me to be with my colleagues, and free to enjoy the pleasures of society. This was forcibly contrasted with my solitary life in Yedo. It was also represented that Yedo was less secure as a place of residence, while his

Majesty the Tycoon was absent. It was even offered, that, as my expenses would be greatly increased by the necessity of keeping up an additional establishment at Yokohama, the Japanese government would pay every expense which might be thereby incurred. In the month of April his Majesty the Tycoon commenced his journey. On the 23d day of May I had an interview with Takemoto Hayato-no-kami which lasted nearly the entire day. At that time I reiterated my refusal to withdraw from Yedo, but announced my purpose to go to Kanagawa and remain there two weeks. About 6 o'clock p. m. the governor left the legation; at 2 o'clock the next morning all the buildings were burned to the ground.

In the preceding February Takemoto Kai-no-kami and Takemoto Hayato-no-kami paid me a visit, to confer respecting the surrender of Goten Yama, as a site for the legation building, and left me at about 6 o'clock that evening; and it is a remarkable coincidence, that the British legation was levelled to the ground by fire at 2 o'clock of the succeeding morning. This was conceded to be the work of an incendiary; but the fire which destroyed the United States legation buildings is claimed to have been the result of an accident. The fire originated at the most distant point of my chamber, and if the work of incendiaries, was thus far considerate and kind; but it was at a place where no fires had been used for hours, and the government has never been able to account for it, though the officers and servants have been subjected to some kind of examination, and though the legation was at the time surrounded by about five hundred guards.

About 9 o'clock that morning a small house outside the line of guards was placed at my disposal; this consisted of three rooms, two of which were occupied by your officers and guards, and the remaining one by myself and two gentlemen of the legation. Here we remained one week, until Sunday evening, the 31st of May, sleeping on the mats, and having ample opportunity to prove that on an emergency our actual wants are few and easily supplied.

It appeared to have been taken for granted that we would depart at once from Yedo, as it was announced to me that our horses had been saddled for that purpose by direction of some officer; but I at once declared that I would not do so until some provision should be made for the rebuilding of the legation, or for placing at my disposal some equally commodious residence. I was finally told by Takemoto Hayato-no-kami that the government had taken the subject into consideration, and was apprehensive if it commenced to rebuild the house it would be burned down again; but that money would be given to the priest in charge of the temple, who would rebuild it with impunity, as the object would not then be known or suspected.

What reason had the government to suppose the buildings would again be destroyed or the work interrupted? Clearly none, if it really believed that the fire of May 24 was the result of an accident; but if satisfied that it was the work of persons hostile to the presence of any foreigners in Yedo, and determined to drive them out, then the fear was justified and the decision wise. When it was at length agreed that the government would immediately fit up the temple which had escaped the flames for my residence, I prepared to leave for Kanagawa, and reside there till the work was done.

About noon on the 31st of May Matsudaira Iuami-no-kami, governor for foreign affairs, made his appearance. He said he had come to see me at some personal risk, and that he was commissioned by the government to inform me that it was in possession of proof of a conspiracy to attack the legation that very night; that about 500 Ronins were assembled for that purpose; that directions had been given to certain Daimios to surround the place of the assemblage; that the government was apprehensive they might take the alarm and disperse; that if arrested some might escape, and, exasperated by the loss of their comrades, still make the attack; but if all were captured, as it was hoped they would be, the government would be embarrassed in punishing them, as some of the friends

of the Lronins might seek revenge on members of the legation. It was further represented that if I were away from Yedo the government would feel at liberty to punish them with unsparing severity, which it proposed to do, as the Lronins had become so bold as to bid defiance to the government.

I was thereupon asked (as my residence was ill defended, and entirely without the line of guard-houses) to go on board a Japanese war steamer, and in her to Yokohama. As it was my purpose, as announced to the government, to leave Yedo the next day, I, of course, had no suspicion that this was a contrivance to hasten my departure; and at 5 o'clock p. m. I left the legation, accompanied by some hundreds of Yakunins, and went on board your gunboat.

Early in June the government was able to announce to the Mikado, the Tycoon, and the assembled Daimios, at Kioto, that no foreigner was in Yedo.

What punishment was inflicted by the government on the Lronins for this threatened outrage, for this flagrant violation of international law and of treaties which guarantee to every legation a safe residence in Yedo? I had every reason to believe that the government would act with vigor. It had surrounded these ferocious men with a large force, and had declared that their punishment would be so severe as to make it unsafe to inflict it until the peaceful objects of their vengeance were in safety at a distant place.

In a few days these lawless men are gently, and with almost parental care, gathered together in commodious quarters, placed under the supervision of a governor, taken into the employ of the government, and pacified by liberal salaries.

When this startling and almost incredible fact came to my knowledge, my vigorous remonstrances were met by the remark, made with the utmost placidity of countenance, That all Lronins were not bad men, but that there were some good men among them, and that it would not do to punish these men!

The President of the United States has, after full consideration of the facts submitted to him, come to the conclusion that they raise a strong presumption that the act of firing the residence of the legation was committed by incendiaries, with a purpose at once political and hostile to the United States, and that the government of Japan could probably have foreseen and prevented it, and that they have at least given a tacit assent and acquiescence.

The President arrived at this conclusion before the receipt of my letter informing him of the extraordinary demands made by the government of his Majesty the Tycoon at a subsequent period, and his convictions will be greatly strengthened when he considers the daring declaration of its purpose to close all the ports, and that foreigners were required to withdraw from Japan; and, also, the extraordinary request, now pending, that the treaty powers shall abandon this port.

It is impossible to avoid the conclusion that the government of his Majesty the Tycoon urged my withdrawal from Yedo, because it was aware of the existence of a party hostile to my residing there, and because it was apprehensive for my safety. It is also evident that the government, instead of insisting that the subjects of his Majesty the Tycoon should submit to the treaties, desired to conciliate the hostile Daimios, by rendering the treaties practically void so far as they guarantee a safe residence in that city. It was for this reason the suggestion was made, that Yedo would be less safe during the absence of his Majesty the Tycoon, while, to my mind, directly the reverse was the fact. The assemblage of many Daimios at Kioto, and the withdrawal of so many of their retainers from Yedo, appeared to me to constitute a great element of safety.

The conference of Kioto is, of course, enveloped in mystery. The veil which covers its proceedings will probably never be lifted. Only one of its measures has thus far been disclosed by the government. The Mikado has ordered the ports to be closed and foreigners to be expelled. The influence which was suf-

ficiently potent to procure such a decision was not to be disregarded by his Majesty the Tycoon or his ministers. My retirement from Yedo was a measure which would propitiate it.

But while the government was laboring to secure this result by persuasion, it is evident there were some parties who were not inclined to wait its slow movements. The same hostile parties which have so persistently and violently opposed the treaties and sought to set them aside, and which have threatened alternately the government of Japan and the treaty powers, determined to resort to violence. Goten-Yama had been rescued from the foreign legation by the torch of the incendiary, and the buildings of the United States legation shared the same fate. When this did not effect my departure, threats of violence and assassination were resorted to; and if the parties who made these threats were not rewarded by the government for making them, it is very clear that they did not thereby forfeit its confidence. History presents no parallel to such a spectacle! By the common judgment of mankind the government will be held justly liable to the charge of granting favors to persons whom it had pronounced premeditated assassins, and declared it to be their purpose to visit them with the signal punishment they had so justly merited.

Nor must I omit to remind your excellencies how much time elapsed before the temporary building agreed on was prepared for the legation; that you even now declare it can only be occupied at the peril of our lives, and that no steps have been taken towards rebuilding the premises which were destroyed.

The President has instructed me to demand of the Japanese government a sum which shall be sufficient to indemnify the legation for all losses sustained by that fire.

I therefore demand the payment to me of the sum of \$10,000, for the public and private property injured and destroyed at that time.

I am also instructed to demand that diligent efforts be made to discover the incendiaries and bring them to condign punishment; also, that adequate guarantees be given for my safe return to Yedo, and the permanent establishment of the legation there without delay. In making these demands, I must insist on the immediate rebuilding of my late residence.

I am also instructed to insist on the full observance of the treaties between the United States and Japan in all the particulars which have not heretofore been waived or postponed by the government of the United States.

But I am instructed to make demands for further indemnities.

When the government of his majesty the Tycoon appeared to be on the eve of a rupture with that of Great Britain, it issued a notification which produced a panic in the native population of Yokohama, and occasioned the flight of merchants, workmen, and servants. The government stated to me that its purpose had been misunderstood; that it had been thought advisable to recommend the removal of the sick, of the aged and the infirm, and of women and children, and that its humane recommendation to this effect had frightened the other residents and led to their flight. Whatever may have been the language employed, its effect was almost to depopulate the place. Nor was it surprising that those who had sums justly due them should desire to realize them before they left, as they thought they might never return, or, if they did, find that their debtors had been expelled. The populace, therefore, was greatly excited, and for a season there was much reason to fear that the place would be under the control of infuriated men who could not be restrained, and would perpetrate acts of violence and be guilty even of murder. It is a significant fact that the governor did not make his appearance until the afternoon of that day, although his usual hour of attendance at his office was 10 o'clock a. m., nor was the slightest attempt made to pacify or put down the rioters. It was not till after the consuls of the treaty powers had sent for him, and indignantly remonstrated at his indif-

ference, that his voice was heard. The disturbance was at once hushed, and the ease with which he restored order was so great as to induce the belief that his absence was the result of premeditation and of a deliberate purpose to allow full license to the mob.

While the government was thus culpably indifferent, if not guilty of complicity in the violent proceedings, workmen and coolies collected at different places in great numbers to collect the debts actually due, or to extort payment of pretended ones. I shall only notice the three prominent cases to which I have already called the attention of the government.

A band of men, headed by a merchant, proceeded to the house of Samuel Robertson, an American merchant, took him forcibly from the house and carried him towards the swamp or creek lying back of Yokohama. Some of these men were armed with fire-hooks and with the jagged irons used in arresting criminals, with which they pushed and otherwise maltreated him. There can be little doubt that his life would have been sacrificed had not the British guard met and rescued him. The outrage was aggravated by the fact that Mr. Robertson had been confined to his house for some time by illness.

A band of coolies went to the house of J. O. P. Stearns, also an American merchant, seized him and beat him till he was insensible. He was rescued from them when unable to move, by his servants, to whose devotion and courage he is indebted for his life.

Another body entered the house of Mr. Raphael Schoyer, an American merchant, and demanded money from him which was not due. They forced themselves into the presence of his wife, and the contractor, who had meanwhile arrived, carried off three hundred itsebus from his table. The presence of his wife, and the fears he felt for her safety, and that it might lead to other outrages and bloodshed, induced Mr. Schoyer to refrain from resisting them.

If the gentlemen named had been indebted to these men and unjustly refused payment, such violent measures cannot be justified. The officers of the United States have always promptly investigated every claim presented against an American citizen. The government on one occasion paid a debt of over \$2,000 which had been incurred by an American citizen who absconded. Nor will the Japanese government ever have any just cause of complaint against officers of the United States government for any failure to observe faithfully every treaty stipulation. But while citizens of the United States will ever be required to meet every obligation they have incurred to the extent of their entire property, they have a right to expect, and will receive from their own government, protection of life, person, and property, and its full power will be exerted, when needful, to secure their rights.

I cannot believe that debts are collected from subjects of his Majesty the Tycoon, under process of law, by means of fish hooks and yokes ornamented with projecting nails; but if so, we have a right to ask that such persuasive instrumentalities be reserved for their exclusive use.

Since these occurrences, I have repeatedly requested the governor of Kanagawa to present any claims which Japanese have against American citizens for investigation in the consular court. Every one which has been made has been promptly examined and settled, so far as I have heard, to the satisfaction of your officers.

None has been presented against Mr. Robertson, nor is he justly indebted to his assailants. The claim against him arises under a contract, which has not been fulfilled by the Japanese merchant, owing to a rise in the price of the article to be delivered. The amount of eighty dollars, retained on the contract for security for its fulfilment, is entirely insufficient to pay Mr. Robertson the amount of loss he has sustained.

Mr. Stearns employed a coolie to fill in his lot for a sum agreed on. After some progress had been made in the work Mr. Stearns made a new contract,

increasing the price on the representation of the contractor that he would suffer loss, and on this representation being repeated, Mr. Stearns again increased the contract price.

The work, which was to be done in a few days, occupied weeks, and though Mr. Stearns was dissatisfied, he requested the contractor to call for the amount due the very day he was assaulted. The party who made the attack at Mr. Schoyer's was not in his employ, but a sub-contractor of the Japanese workman employed by him; nor was any sum due from Mr. Schoyer to any person whatever for that work.

On my calling the attention of the government to these cases, Takemoto Hayato-no-kami assured me they would be examined and the parties punished. He also requested me to delay sending the affidavits to my government in order that I might have the satisfaction, when making known the wrongs sustained, of informing the President that those wrongs had been promptly redressed.

The governor of Kanagawa was thereupon called on to investigate the affair and report. The first report he made was that they had been settled; and then he had the audacity to say that the outrage on Mr. Robertson was only a practical joke. He then attempted to shield the offenders by saying they were carrying Mr. Robertson to the custom-house for the purpose of collecting their debt. This was not true, as they were carrying him in a direction nearly opposite. But if true, and they had taken him there without subjecting him to indignity and ill usage, the custom-house officials had no jurisdiction. The United States consular court was the only tribunal which could pass upon the question of indebtedness. But this is a mere pretence. The affidavit of Mr. Thomas Eskrigge, a British merchant, discloses the fact that this merchant was seen by him on two different occasions prowling about the residence of Mr. Robertson, and that he threatened to renew his attack.

Although I have repeatedly called the attention of the government to these injuries, and to the threats that others would be attempted, nothing has been done to punish the offenders. They are at liberty to this day. The governor of Kanagawa promised our consul that they should be kept in confinement till the cases were fully investigated. But, again, the singular spectacle is presented of rewards being conferred instead of punishment. The person who made the assault on Mr. Stearns is now in charge of the work which the government has in progress of making drains and sewers in this town. Such criminal indifference to the safety of citizens who have come here relying on the pledged faith of the Japanese government greatly aggravates the wrongs which they have suffered.

I therefore demand the payment to me of \$20,000 in satisfaction of injuries to citizens of the United States sustained at the period above referred to. I further demand, agreeably to instructions, that you make diligent efforts to bring the aggressors to justice, and to inflict upon them such punishment as will be calculated to prevent further outrages of the same kind.

A few months ago a Japanese whaler, under the command of Manjiro, returned from the Bonin islands, bringing several seamen who desired to leave, and two citizens of the United States charged with offences. One of these was found guilty by our consul, and sentenced to be confined in prison for the term of four months, and was confined in your prison the full term.

The other, George Horton, is an old man charged with no offence, but coming off to the ship in a boat in which a pistol was found. The consul, with the consent of Captain Manjiro, at once discharged him from arrest. He is a poor, trembling, paralytic old man of eighty-five years of age. He was left at the Bonin islands by Commodore Perry, in the year 1854, and has resided there ever since, supporting himself by the cultivation of a small piece of land. I have asked your excellencies to send him back in one of your ships. You have

answered that he was taken away because it was dangerous to leave him there. I have seen him, and will not waste time in further reply than I have heretofore made to this charge. His land is there, and all he possesses. The government of the United States is now paying for his support at this place. I regard his expulsion as entirely unwarranted; but if it was essential to the peaceful possession of these islands, and such possession be finally acquiesced in by the government of the United States, it is manifestly proper that you should pay for the property you have taken from him. If, therefore, you do not send him back I demand the payment of the sum of \$2,000 to me as an indemnity for his use.

The above aggregate sum of \$32,000 must be paid within thirty days from this date, or I shall be at liberty to make such additional demands as may be required by further instructions or by the course of events.

I am instructed to employ the naval force of the United States at command for the protection of myself, the legation, and others of my countrymen, under any circumstances which may occur. And I am directed to inform the government of his Majesty the Tycoon that the United States will, as they shall find occasion, send additional force to maintain the foregoing demands.

The President of the United States is disposed, notwithstanding the government of Japan has done so much, and suffered so much to be done to alienate and injure the United States, to persevere in the friendly and liberal course of proceedings which it has hitherto pursued. But the friendship of the United States cannot be secured by the government and people of Japan, nor could it be of any avail if the United States should fail to maintain their own dignity and self-respect in their intercourse with Japan in the same frankness which they practice in regard to all nations.

With the expression of the hope that the government of his Majesty the Tycoon will see the justice of these claims, and avert the consequences which will inevitably follow their rejection,

I remain, with respect and esteem,

ROBERT H. PRUYN,

Minister Resident of the United States in Japan.

Their Excellencies MIDSUMO IDSUMI-NO-KAMI,
ITAKURA SUWO-NO-KAMI,
INOWUYE KAWATSI-NO-KAMI,
ARIMA TOTOMI-NO-KAMI,

*Members of Gorogio, and Ministers of
Foreign Affairs, &c., &c., &c., Yedo.*

Mr. Pruyn to Mr. Seward.

No. 3.]

LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, January 6, 1864.

SIR: It has been determined to send the embassy to Europe, of which I informed you in my despatch, No. 80, of the 1st ultimo, but I have not yet been advised whether it has been finally decided to send any to the United States. I presume that question is in abeyance in consequence of the demands I have made, and of which it may be thought best first to dispose.

Mr. de Bellecourt, the minister plenipotentiary of France, having been recalled, at his own request, expects to leave here next month. He has encouraged the sending of this embassy, as he will be in France when it arrives, and Admiral Jones has represented that an autograph letter of his Majesty the Tycoon,

expressing sorrow for the murder of Lieutenant Camus, will tend to the amicable adjustment of that affair. A mission which will have the appearance of being sent specially to deprecate the anger of France will doubtless be imposing, and gratify the minister and the government.

But while that matter may incidentally be disposed of, the object and sole object of the mission is to solicit the consent of the treaty powers to the closing of this port. Of this you have already been advised as it was first disclosed to me.

On the 4th instant two vice-ministers waited upon Lieutenant Colonel Neale, her Britannic Majesty's chargé d'affaires, to make known the purposes of the government.

The vice-ministers, after saying that the government had so decided, said that the governors for foreign affairs, who were present, would make known the reasons which had influenced the government, and that they had nothing more to communicate.

Colonel Neale asked why it had been thought necessary for them to come down from Yedo to make that bare announcement, and then leave the principal business to be disposed of by governors.

The vice-ministers replied the governors were better acquainted with the subject. Colonel Neale said he would hear what the governors had to say, but would write it down as coming from the vice-ministers, as it would be said in their presence.

The governors then said Colonel Neale was aware of the great hostility there was in the country to foreigners, to which he replied he was not aware of any such thing, but thought the people were friendly. One of the vice-ministers then said it was necessary to close Kanagawa. Colonel Neale said he would listen to no such remarks.

The governors then asked Colonel Neale to aid them in their mission by explaining the difficulties they labored under. He said he knew nothing of their difficulties, and could say nothing to aid them; that he had nothing to say one way or the other; they had a right to send a mission whenever and wherever they pleased; but while it was gone he would watch affairs closely, and every mail a letter would follow their embassy explanatory of affairs here. That he held war in the one hand and peace in the other for them to choose; that he would watch the progress of trade; if it was stopped, he would stop their trade; if they stopped supplies to foreigners, he would stop their supplies. They asked whether he meant he would stop imports. He said no; he meant he would stop their home trade between their different ports.

Colonel Neale then asked why so many stores were closed at this place. One of the governors rather pertly said "perhaps it is because the people cannot afford to keep them open." This remark he severely rebuked. Colonel Neale says the interview lasted four hours, and was far from satisfactory.

The above is a brief account of it given to me by Colonel Neale.

The embassy is expected to leave here so as to embark from Shanghai in a steamer of the French line, the Messageries Imperiales, on February the 20th.

Although the French minister has insisted upon its being composed of men of higher rank than of former missions, it is quite certain the material of which it will be composed will be of the same comparatively low rank, as heretofore.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,

Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Pruyn to Mr. Seward.

No. 4.]

LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, January 6, 1864.

SIR: I have the honor to inform you that J. G. Walsh, esq., our consul at Nagasaki, having heard that J. D. Buckley, charged with the murder at Shanghai of Captain MacKinnon, of the *Emily Banning*, an American citizen, and for whose apprehension a reward of 5,000 taels had been offered by the United States consul at Shanghai, was at the port of Nagasaki, a passenger for Havre in the French ship *Jeanne and Joseph*, under the name of Rayley, applied to the French consul for permission to effect his arrest.

Mr. Dury, the French consul, instituted an inquiry, and satisfied himself that the man was Buckley, but declined to surrender him, or permit his arrest, without the permission of the French minister, for which he applied; meanwhile arresting the man and placing him in the French prison, and suffering the ship to leave without her passenger.

On the receipt of Mr. Walsh's letter I immediately waited on the French minister, who came to the conclusion he had no authority to give up Buckley. I had no copy of our treaty with France for the surrender of fugitives from justice, but the French book of Consular Instructions evidently contemplates a demand by government, and a surrender by the Emperor on the report of the minister of justice.

The French minister was very willing I should get the man, but was unwilling to assume any responsibility. He disapproved of the consul's proceedings in making the arrest, as he was guilty of no crime against French law, and was willing to direct his discharge. If the United States authorities should make no arrest, he was also willing to send him to France to be surrendered there on the proper application. Against this I urged the delay and the dispersion of witnesses, &c., &c.

Finally, learning that there were no French ships at Nagasaki, and having arranged that Mr. Walsh should be apprised of the time of Buckley's discharge from the French prison, I directed him to arrest Buckley at all hazards, and to employ the necessary guard for his safe-keeping, and his delivery to George F. Seward, esq., United States consul at Shanghai, and hope that such measures will be taken as will prevent his escape.

I have the honor to inform you that Captain Sir Roderick Dew, of her Britannic Majesty's steamship *Encounter*, who took my letter to our consul, kindly said he would take the prisoner when arrested, and such guard as might be necessary, to Shanghai, to which port he was bound, after touching at Nagasaki.

I shall advise you of the result when I receive the report of our consul, in order that if the person shall be arrested, and taken by the *Encounter* to that port, the proper acknowledgments may be made in requital of Captain Dew's courtesy.

I invite your attention also to the probability that many similar cases will arise in these distant ports as the frequency of intercourse increases, and crimes, as it is very likely, will multiply, so that, if the President shall think further treaties necessary, provision may be made for the surrender of a fugitive by a minister on the application of the minister of the power of which the fugitive is a subject or citizen, without reference to or action by the home government.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,

Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington.

Mr. Pruyn to Mr. Seward.

No. 5.]

LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, January 6, 1864.

SIR: I have the honor to inform you that the United States ship Jamestown left this port on the 28th ultimo in search of the Alabama, as it is supposed that privateer may resort for repairs to the port of Amoy.

I should have preferred to have retained the Jamestown, as I have sent in the demands I have been instructed to make, but feel that no effort should be spared to effect the capture of that vessel. I therefore cheerfully consented to and advised the departure of the Jamestown.

Having an interview with several governors for foreign affairs the day prior to her departure, I announced my purpose to send her away, preferring that no vessel-of-war should be in a Japanese port while demands were pending, which I had hoped to have amicably adjusted because right, and not in consequence of any demonstration of force.

I have the honor to be, sir, very respectfully, your most obedient servant,
ROBERT H. PRUYN,
Minister Resident in Japan.

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

[Per telegraph.]

Mr. Pruyn to Mr. Seward.

No. 7.]

LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, January 7, 1864.

The Tycoon's palace again destroyed by fire accidentally.

Demands made for \$32,000, exclusive of the Pembroke.

Jamestown gone to Amoy, hoping to find Alabama in dry-dock there.

Very respectfully, your obedient servant,

ROBERT H. PRUYN,
Minister Resident in Japan.

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Pruyn to Mr. Seward.

No. 10.]

LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, January 22, 1864.

SIR: I regret to have to inform you that the Japanese government has declined to pay the indemnities I have been instructed to demand. I enclose, No. 1, a copy of translation of the letter of the minister, which, you see, does not attempt to deny or even explain the facts set forth in my letter, which, I think, fully establish the liability of the Japanese government.

The chief object in the proposed transfer of the negotiations to Washington is probably to gain time, as the embassy is first to visit all the treaty powers in Europe. It may be hoped, likewise, that if it finally yields to these claims, the Japanese government may secure the coveted closing of this port.

I enclose, No. 2, a copy of my reply. I do not yet despair of an amicable

and satisfactory settlement, though I am without a national vessel, and nothing has been accomplished here as yet by any nation in the absence of force, or the prospect of its immediate presence.

Additional proof of this will soon be given. Baron de Rehfus has been here since the month of September, vainly urging the exchange of ratifications of the Prussian treaty. He has now gone to Yedo, and has landed a large guard of marines and sailors from the corvette *Gazelle*, and announced his determination to remain in that city till the exchange of ratifications shall have been effected, and I have no doubt he will now succeed.

I have the honor to be, sir, very respectfully, your obedient servant,

ROBERT H. PRUYN,

Minister Resident in Japan.

HON. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

The Gorogio to Mr. Pruyn.

[Translation.]

We received your letter No. 136, dated the 21st December, and understood all that you stated therein. In the first place, in regard to what has been said about the fire at Dzenfkujee, it has been not only stated to your excellency on that occasion in writing, but the circumstances have also been fully and clearly explained by governors for foreign affairs, under our instructions; hence, you must have understood them well; we therefore thought that you would clearly explain this to your government, and would have received instructions accordingly. Your communication surprised us greatly.

The treaty of peace and amity having been concluded, good faith must be mutually shown as a matter of course; but your suspicion that the fire was caused by secret instigation of criminals would be an extraordinary indignity for our government. If our government, because the public feeling in our country is mostly unsettled, desired, in the conciliation of that public feeling, to put an end to the intercourse with foreign powers, there would be a different action; if such were the case, the engagement entered into of peace and amity would go for naught, and all the care we have hitherto taken would have been in vain; wherefore, we are in great anxiety. That, without taking this into consideration, you should have made us the said communication, is very disagreeable to us.

If now we were to give the money for indemnity, according to your demand, it would then be taken for granted that your suspicion was correct and founded on reality. There could be no greater disgrace for our government than to do this; it is, therefore, absolutely impossible to comply with your demand, however much you might urge us. If, however, owing to the strict orders which you received from your government, you should not be able to settle this on your own responsibility, we will then, through our embassy about to be sent to your country, fully confer with your government on the subject. As regards the temple as the temporary residence of the minister at Yedo, we have already given orders to the proper persons, wherefore the building of it will be proceeded with.

And as regards the Yokohama matter, we instructed the governor of Kana-gawa to investigate the real circumstances thereof, wherefore we will shortly give your excellency a definite answer when it is entirely arranged; but on the occasion of the excitement among the residents of Yokohama last summer, many mistakes among them, originating in trifling causes, occurred, and unlawful acts were probably not committed by the Japanese only, and the

forcible urging, by Japanese, of their claim on your countryman, must have been caused by his improper refusal of the same. In regard to the matter, however, we shall, after full examination, address ourselves, in further reply, to your excellency.

In conclusion, upon the matter of the resident of the Ogasawara Sima, (Bonin islands,) we already had a correspondence, but the real circumstances of the case have not yet become perfectly evident; we propose, therefore, through the proper person, fully to confer with your excellency on that subject.

We regret that we cannot comply with your demand as stated in the said letter; but as we find ourselves compelled, for the reason already given, to state the foregoing to your excellency, it is desirable that you will not take it in evil part.

As your letter on the occasion of the destruction by fire of the castle was destroyed, and there have been many things to attend to, we fear that the expiration of the time proposed has been caused thereby, which we have to state, in preliminary reply, to your letter.

With respect and esteem.

The 10th day of the 12th month of the 3d year of Bunkin, (18th January, 1864.)

MIDSUMO IDSUMI-NO-KAMI.
ITAKURA SUWO-NO-KAMI.
INOWUYE KAWATSI-NO-KAMI.
ARIMA TOTOMI-NO-KAMI.

His Excellency ROBERT H. PRUYN,

Minister Resident of the United States of America, &c., &c., &c.

Mr. Pruyn to the Gorogio.

No. 10.]

LEGATION OF THE UNITED STATES IN JAPAN,

Kanagawa, January 20, 1864.

I have the honor to acknowledge the receipt of your excellencies' letter declining to pay the indemnities I have demanded pursuant to the instructions of the President of the United States.

I cannot refrain from the expression of my surprise, as well as regret, that you should, without any consultation with the undersigned, thus have closed the door to their amicable adjustment. Nor is the ground on which such refusal is based tenable. No nation is subjected to indignity or disgrace when it acts justly; and it is difficult to reconcile such sensitiveness in the present case with your payment of the indemnity for the murder of the guards at the British legation. Such payment does not necessarily involve the idea, in either case, of the complicity of the government in these lamentable occurrences.

I had transmitted to the President copies of the testimony taken by order of your excellencies, and of the explanations made by your government. What you term my suspicions must, therefore, be regarded as the deliberate convictions of the President of the United States in view of that testimony and those explanations, and of the public and regrettable events which have, within the past year, occurred in Japan, and the action of the government connected therewith and consequent thereon. As the decision of the President has been made after due deliberation, it will not be modified or abandoned.

It is my duty, also, to say to you that the President of the United States has confided to me the settlement of these questions, and that diplomatic usage does not sanction your proposed summary transfer of the negotiations to Washington, even if grave objections did not exist thereto independent of such usage, growing out of the great delay which would thereby be occasioned.

I advise your excellencies to send no embassy to the United States until the relations of the two governments shall assume a more satisfactory position than that in which your excellencies' letter has placed them.

It is also my duty to say to you that, should your excellencies, notwithstanding this advice, send your embassy to the United States, after having disposed of its business in Europe, it will have no influence in delaying such measures as I shall be instructed to institute to enforce these demands. Nor shall I await these instructions if events in Japan shall render the use of force necessary for the maintenance of the national dignity and of the rights of our citizens; but I shall consider it my duty, under the full powers I now possess, to use, in any such case, the force now in the Chinese waters and such additional force as may arrive in advance of further instructions.

The government of the United States has carefully observed every treaty stipulation, and has abstained from every act which would have a tendency to impair the friendly relations which have hitherto existed between the two governments. The President, therefore, had reason to believe that his demands would be met in the friendly spirit with which they were made; and that his abstaining from sending a strong naval force simultaneously with their presentation would be appreciated by the government of his Majesty the Tycoon. Such course would have redounded to the honor of Japan, as well as secured its true interests by demonstrating that the government of his Majesty the Tycoon was prepared to do justice without the necessity of resorting to coercive measures, or even threatening them. An additional proof is afforded by your present refusal that the foreign powers cannot expect justice to their citizens and subjects, nor any weight to attach to the representations of their ministers, unless they shall keep in the ports of Japan a permanent and strong naval force.

I must also remind your excellencies that the government of the United States has not yet given its consent to the postponement of the opening of the city of Osacca and the ports of Hiogo and Nee-e-gata to foreign trade and residence, and that now it will be fully justified in withholding such consent altogether, and in notifying the treaty powers that it regards such city and ports as now open under its treaty with Japan.

With respect and esteem,

ROBERT H. PRUYN,

Minister Resident of the United States in Japan.

Their Excellencies MIDSUMO IDSUMI-NO-KAMI,
ITAKURA SUWO-NO-KAMI,
INOWUYE KAWATSI-NO-KAMI,
ARIMA TOTOMI-NO-KAMI,

Members of the Gorogio, &c., &c., &c., Yedo.

Mr. Pruyn to Mr. Seward.

No. 11.]

LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, January 22, 1864.

SIR: I have the satisfaction to inform you that J. D. Buckley, charged with the murder, at Shanghai, of Captain Mackinnon, surrendered himself to our consul at Nagasaki, and has been sent to Shanghai in her Britannic Majesty's steamer Encounter, in charge of an officer despatched by the consul for that purpose.

The measures adopted, referred to in my letter No. 4, of the 6th instant, resulted as I hoped. I was the more solicitous of success because I had

learned that Buckley was a fugitive from justice from California, charged with shooting a man in the streets of San Francisco, and that the unprovoked attack on Captain Mackinnon grew out of the utterance by the deceased of Union sentiments. Of all this you have been, no doubt, informed by the United States consul at Shanghai,

It is my agreeable duty to call your attention to the considerate courtesy of Captain Roderick Dew, of the *Encounter*, who detained his ship, as Consul Walsh informs me, several hours, to enable him to secure the prisoner.

I have the honor to be, very respectfully, your obedient servant,

ROBERT H. PRUYN,

Minister Resident in Japan.

HON. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Pruyn to Mr. Seward.

No. 13.]

LEGATION OF THE UNITED STATES IN JAPAN,

Kanagawa, January 30, 1864.

SIR : I have the satisfaction to transmit herewith, No. 1, a convention for the reduction of duties, concluded with the Japanese government. The form has been changed, as it was desired to avoid the necessity of exchange of ratifications, instead of which the ministers are to send me a letter forthwith formally sanctioning the action of their plenipotentiary, of which they have already informally approved.

Agreements as to future negotiations for bonded warehouse system are yet to be signed ; also in reference to Osacca and other incidental points.

I will send original Japanese and Dutch versions, certified, by way of California, or by first good private opportunity.

Meanwhile I should be pleased to receive from the Treasury Department any printed rules in its possession for regulation of bonded warehouses.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,

Minister Resident in Japan.

HON. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Convention for the purpose of encouraging and facilitating the commerce of the citizens of the United States in Japan.

After due deliberation, his excellency Robert H. Pruyn, minister resident of the United States in Japan, and his excellency Sibata Sadataro, governor of foreign affairs, both having full powers from their respective governments, have agreed on the following articles, viz :

ARTICLE I.

The following articles, used in the preparation and packing of teas, shall be free of duty : sheet lead, ratan, gypsum, solder, oil for painting, firing pans, matting, indigo, and baskets.

ARTICLE II.

The following articles shall be admitted at the reduced duty of five per cent.: machines and machinery ; drugs and medicines ; (*Note.*—The prohibition of the importation of opium, according to the existing treaty, remains in full force;) iron, in pigs or bars ; sheet iron and iron ware ; tin plates ; white sugar, in loaves or crushed ; glass and glass ware ; clocks, watches and watch chains ; wines, malted and spirituous liquors.

ARTICLE III.

The citizens of the United States importing or exporting goods shall always pay the duty fixed thereon, whether such goods are intended for their own use or not.

ARTICLE IV.

This convention having been agreed upon a year ago, and its signature delayed through unavoidable circumstances, it is hereby agreed that the same shall go into effect at Kanagawa on the 8th of February next, corresponding to the first day of the first month of the fourth Japanese year of Bunkiu-Né, and at Nagasaki and Hakodadi on the 9th day of March next, corresponding to the first day of the second month of the fourth Japanese year of Bunkiu-Né.

Done in quadruplicate, each copy being written in the English, Japanese, and Dutch languages, all the versions having the same meaning, but the Dutch version shall be considered as the original.

In witness whereof, the above-named plenipotentiaries have hereunto set their hands and seals, at the city of Yedo, the 28th day of January, of the year of our Lord 1864, and of the independence of the United States the 88th, corresponding to the 20th day of the 12th month of the third year of Bunkio-Né of the Japanese era.

[L. S.]

ROBERT H. PRUYN.

Mr. Pruyn to Mr. Seward.

No. 14.]

LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, January 30, 1864.

SIR: I have the honor to inform you that the ratifications of the treaty with Prussia have been exchanged on board the Prussian corvette *Gazelle*.

Negotiations were commenced with the envoy of the Swiss confederation immediately on my waiving for that purpose the agreement of the Japanese government to sign my treaty in advance of all others.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,

Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Pruyn to Mr. Seward.

No. 16.]

LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, January 30, 1864.

SIR: I have the honor to inform you that I have received an official notification that the Tycoon, early next month, will visit Kioto for the purpose of meeting the Mikado.

The visit last year had been without precedent for three hundred years. This second visit is more extraordinary still. It is hoped it will tend to a more cordial understanding between the Mikado and Tycoon, and to a more favorable foreign policy.

I have the honor to be, sir, very respectfully, your most obedient servant,
ROBERT H. PRUYN,
Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Pruyn to Mr. Seward.

No. 18.]

LEGATION OF THE UNITED STATES IN JAPAN,
Kanawaga, February 16, 1864.

SIR: I have the honor to enclose you No. 1, translation of a letter of the minister for foreign affairs approving of the convention made with this government, and No. 2, translation of a letter from the same making further reduction of duties. The articles named in the last letter were embraced in the general term "articles de Paris," and would have been inserted in my convention, but I thought it proper to omit them as an act of courtesy to Mr. de Bellecourt, who had originally proposed such reduction to me, as he is about leaving his post of minister plenipotentiary here to assume that of consul-general at Tunis; having, it is understood, failed to receive the support or meet the approval of his government. I should also have been willing to omit spirituous liquors from the articles admitted at the duty of five instead of thirty-five per cent., had I not supposed he would then have failed to secure such reduction, and thus have subjected myself to the charge of want of friendship for France. It may be well, also, to say that such liquors are purchased exclusively by the foreign residents in Japan. The same change of policy which has induced this government to conclude this convention with myself after such a long delay has enabled the envoy of the Swiss confederation to succeed in his mission, and also the envoy of Prussia to exchange the ratifications of the treaty with his government.

I have the honor to be, sir, very respectfully, your most obedient servant,
ROBERT H. PRUYN,
Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

No. 1.

[Translation.]

The Gorogio to Mr. Pruyn.

We have to inform you that, having instructed Sibata Sadataro, governor for foreign affairs, to negotiate with you about the reduction of duties, we carefully read the convention made. We approve it, and shall keep it forever.

Stated with respect and esteem.

The 23d day of the 12th month of the 3d year of Bunkiu, (January 31, 1864.

MIDSUMO IDSUMI-NO-KAMI.
 ITAKURA SUWO-NO-KAMI.
 INOWUYE KAWATSI-NO-KAMI.

His Excellency ROBERT H. PRUYN,
Minister Resident of the United States of America, &c., &c., &c.

No. 2.

[Translation.]

The Gorogio to Mr. Pruyn.

We have to inform you that, in accordance with our instructions, Sibata Sadataro agreed with you upon a reduction of duties.

We will also reduce the duties on other import articles as per accompanying statement, to take effect at the time agreed upon with you.

Having notified the governors of the opened ports accordingly, we request you to make this also known to your consuls at those ports.

With respect and courtesy.

The 29th day of the 12th month of the 3d year of Bunkiu, (February 4, 1864.)

ITAKURA SUWO-NO-KAMI.

INOWUYE KAWATSI-NO-KAMI.

His Excellency ROBERT H. PRUYN,

Minister Resident of the United States of America, &c., &c., &c.

[Enclosure.]

Bijouterie jewelry.
Perfumery and soap.
Books.
Paper.

Mirrors.
Arms.
Cutlery.
Drawings.

All these articles shall be admitted at the reduced rate of six per cent.

Mr. Pruyn to Mr. Seward.

No. 19.]

LEGATION OF THE UNITED STATES IN JAPAN,

Kanagawa, February 25, 1864.

SIR: I have the honor to enclose No. 1, a copy of the agreement for the extension of the time of opening the new ports and cities to trade and residence, which is of the same duration as that granted by the other treaty powers.

On my arrival in Japan no action had been taken by the treaty powers in reference to the application of the Japanese government for such extension. Mr. Harris was unable to act when first authorized, because some of his colleagues, in concert with whom he was empowered to grant such extension, had recommended their respective governments to refuse their assent. In the month of February, 1862, Sir Rutherford Alcock addressed a letter to Mr. Harris, informing him that he was ready to confer with him on the subject, but Mr. Harris replied that he was in daily expectation of my arrival, and he wished to leave me to act free from any embarrassment which might arise from his discussion of the subject. Shortly after the Japanese left for Europe, and the subject was again referred back to the home government by the ministers of the several European powers.

On the occasion of my first interview with the Gorogio, the subject was introduced, and Mr. Harris informed the ministers he had given me his views, and the government would find me very friendly, and disposed to do all that was proper.

From that time till December no application for such consent was made by the Japanese government, nor was the subject referred to, though meanwhile I had been empowered to act independently of my colleagues.

Early in December I addressed a letter to the ministers, in which I proposed certain modifications of the treaty, reducing duties and establishing bonded warehouses. I also informed the ministers I had received a letter from American merchants residing in Yokohama, asking what arrangements had been made for the accommodation of foreigners at Hiogo and Osacca, when those cities should be opened the ensuing month. No reply was given or notice taken of either of those letters.

A few days before the 1st of January, 1863, I had an interview with Sinano-kami, governor of foreign affairs, in which, after expressing a wish that all unfinished business should be disposed of before New Year's day, I referred, among other subjects unacted on, to these letters, and expressed my surprise that they had received no notice. He at once replied: We do not intend to open the port of Hioga and city of Osacca. I thanked him for the information, but said I was under the impression that I had something to say on that subject. He said no, Mr. Harris has given the consent of the United States.

I then said the Japanese government certainly labored under a mistake; that Mr. Harris had informed me he had not given such consent, nor could he have done so, as he was only authorized to act in conjunction with his colleagues; that they had no such authority till February, 1862, and when they were prepared to act Mr. Harris had declined a conference, as he was daily expecting my arrival. The governor replied that Mr. Harris had certainly given such assent, and that the government had his letter to that effect.

I then produced the letter of the Japanese government asking Mr. Harris to reduce to writing what he had said on the subject of an official interview, and his indorsement that no answer was necessary. I also produced the letter of the President and of the department in answer to the letter of the Tycoon and the ministers, and read Mr. Harris's letter to Sir Rutherford Alcock, and I expressed my surprise that, while an embassy had been despatched to Europe to ask for such extension, the only minister in Yedo had never been addressed on so important a subject.

The governor hastily left the legation, and returning the next day, said the government had been laboring under a great mistake; that it had no such letter as had been supposed; that it had been grossly negligent, and must throw itself on my indulgence, and now ask me to give such consent on behalf of the United States.

I replied I had not overlooked the subject nor underrated its importance, and had supposed the Japanese government knew its own business best, and when ready would propose such modification of the treaty. It had now done so, and I was prepared to act, but I thought it could scarcely be expected, that the United States would consent to a modification of the treaty proposed that day, when not even the receipt of my letters proposing other modifications had been acknowledged. This led to the appointment of commissioners, the negotiations of which you have been advised, and the framing a treaty for the reduction of duties, the establishment of bonded warehouses, &c. As originally agreed on, the postponement of the opening of Hioga, Osacca, &c., formed one of the articles; but on my suggestion, as the reduction of duty was to be permanent, and such postponement to be made only for five years, and as the Japanese government might wish to publish the one and not the others, such postponement was omitted from the treaty and embraced in a distinct article.

When the convention was finally signed, I executed the agreement of which I now enclose a copy, and the ministers for foreign affairs have promised to appoint commissioners to visit me in June to agree on the bonded warehouse system. I enclose, No. 2, translation of that letter.

The above is a brief history of so much of the negotiations as has not already been communicated; and will explain the delay in giving the consent of the

United States to the postponement asked for by the Japanese government, and which I see by your letter to Mr. Pike, our minister at the Hague, you supposed had been given.

I have the honor to be, sir, very respectfully, your most obedient servant,
ROBERT H. PRUYN,
Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

No. 1.

LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, January 28, 1864.

By virtue of the power vested in me by the President of the United States of America, I, Robert H. Pruyn, minister resident of the United States in Japan, do hereby consent that the time for the opening of the cities and ports of Yedo, Osacca, Hioga, and Néeé Gata shall be, and is hereby, extended for the period of five years, dating from the 1st January, 1863.

ROBERT H. PRUYN,
Minister Resident of the United States in Japan.

No. 2.

The Gorogio to Mr. Pruyn.

In regard to the establishment of bonded warehouses at each of the opened ports, we fully understood, as stated in our reply recently sent to your letter.

And before the 28th day of the 5th month of our next year (July 1, 1864) we shall appoint commissioners to negotiate and determine about the regulations, and also to confer about the time when they shall go into operation.

With respect and esteem.

The 24th day of the 12th month of the 3d year of Bunkiu, (February 2, 1864.)

MIDSUMO IDSUMI-NO-KAMI.
 ITAKURA SUWO-NO-KAMI.
 INOWUYE KAWATSI-NO-KAMI.

His Excellency **ROBERT H. PRUYN,**
Minister Resident of the United States of America, &c., &c., &c.

Mr. Pruyn to Mr. Seward.

No. 20.]

LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, February 29, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch No. 51, of the 24th of October last, in which you say:

"Upon the testimony already received relative to the destruction by fire of the legation buildings at Yedo, the President considers it to have been offensive and criminal, not an accidental occurrence; and this government will expect indemnity therefor. Should you come to a different conclusion, however, the subject will be reconsidered."

As you have been advised, I have presented the demands I was instructed to make on the Japanese government. Although in the first instance they were summarily rejected, I have the satisfaction to inform you that commissioners have been appointed to confer with me on the subject, with whom I had an interview yesterday of several hours.

Although I cannot say I confidently expect, yet I do not entirely despair of, a satisfactory result. The claims for injuries on citizens of the United States at this place are attended with embarrassments it will be exceedingly difficult to overcome.

There have been, unfortunately, very many instances where Japanese have been grossly maltreated by foreigners, and no indemnity asked or paid. Indeed, it admits of some question whether it would be safe, in view of the character of the floating population of the treaty powers, at the open ports, to establish the principle of the liability of a government for the act of its individual citizens or subjects. I have, in the cases now under consideration, insisted on those points which make them exceptional cases: first, the government has not punished, but, as far as seen, has actually rewarded the offenders; secondly, the injuries did not arise in the ordinary course of business, but grew directly out of the action of the government, which created alarm among the native population, and though it is alleged that the notice was misunderstood, that does not diminish the liability of the government; thirdly, this liability is increased by the criminal neglect of the governor of Kanagawa, while the mob was in the ascendant, which neglect appeared to amount to a continuance of, or connivance with, the offenders.

You will observe that in presenting the demands I entered fully into particulars. My object in doing so was to save you, as far as possible, the necessity of explanations at home, and to enable the Japanese government, if disposed, to answer each allegation and urge any mitigating circumstances, and thus have a case presented which would allow of the withdrawal of the demands altogether, or justify them if admitted, and if refused, show that such measures as might become necessary for their enforcement were clearly required.

Although some correspondence has passed since the letters which have been transmitted, it contains nothing material to the decision of the question.

The present attitude of the government makes me indulge the hope that the reactionary party has entirely failed, and that the foreign policy of the government is now fixed and may be relied on as favorable to a continuance of peace and the observance of the treaties. The utmost moderation will be the best policy. The dictates of an enlightened humanity have justified the friendly and patient forbearance which has heretofore characterized our relations with this government; and it is pleasant to believe that such forbearance is still compatible with our true interests as being best calculated to overcome the obstacles arising from the laws and institutions of the government and the prejudices of the ruling class.

I have the honor to be, sir, very respectfully, your obedient servant,

ROBERT H. PRUYN,

Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Pruyn to Mr. Seward.

No. 22.]

LEGATION OF THE UNITED STATES IN JAPAN,

Kanagawa, March 16, 1864.

SIR: I have the honor to inform you of the second visit of the Tycoon to the Mikado.

It is understood the great council of Daimios is again in session; that the question of the foreign policy of the government is again under consideration, and that the opposite parties are pretty evenly balanced. All that is possible is to watch and wait and hope.

I think I have remarked that the Tycoon has at this time all the advantages of trade, every port open being in imperial territory. There are many Daimios who advocate the removal of every restriction to trade and the opening of every port.

I enclose a copy of a very extraordinary letter from the Prince of Etshizen, which I have reason to believe to be genuine, as it was obtained from the same source from which I procured other documents which I have heretofore sent you. It speaks well for the advance of liberal ideas, and if, as he says, other Daimios are of the same opinion, we may reasonably look for great and favorable changes.

This prince was the only one who, in the great council of Daimios held last year, advocated with boldness the observance of the treaties with foreign nations and a liberal policy of the government.

It has now been informally announced that the Tycoon will return to Yedo in the latter part of this month.

I have the honor to be, very respectfully, your most obedient servant,

ROBERT H. PRUYN,

Minister Resident in Japan.

HON. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Pruyn to Mr. Seward.

No. 23]

LEGATION OF THE UNITED STATES IN JAPAN,

Kanagawa, March 17, 1864.

SIR: I have the honor to inform you that the Princes of Aki, Sendai, and Thizen have been ordered to occupy the territories of the Prince of Shoshu, or Nagato.

Some time after the issue of these orders one of Satsuma's steamers, the "Sir Charles Forbes," on her way through the Inland sea, was fired on by the batteries of Nagato, and the steamer was sunk.

I have been promised, from a Japanese source, a copy of the letter addressed by the Prince of Satsuma to the government of the Tycoon, complaining of this outrage.

It is claimed, I understand, by Nagato that the vessel was fired on at night, and that it was not known she belonged to Satsuma.

Nagato's position of outlawry is sufficient, if any doubt could have existed, to demonstrate the wisdom of sending the Wyoming against him. And I may remark that no occurrence has made such a deep and favorable impression on this government.

If one vessel could accomplish so much, how can we possibly resist the navies

of America and Europe, is the natural question; and the number of those who judge successful resistance possible must be small, if indeed any prince can be found so arrogant and ignorant.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,

Minister Resident in Japan.

HON. WILLIAM H. SEWARD,

Secretary of State, Washington.

Mr. Pruyn to Mr. Seward.

No. 24.]

LEGATION OF THE UNITED STATES IN JAPAN,

Kanagawa, March 17, 1864.

SIR: I have the honor to inform you of the arrival of Sir Rutherford Alcock.

I have had two very pleasant and satisfactory interviews with him, and find that our views in relation to Japanese affairs are in entire accord.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,

Minister Resident in Japan.

HON. WILLIAM H. SEWARD,

Secretary of State, Washington.

Mr. Pruyn to Mr. Seward.

No. 30.]

LEGATION OF THE UNITED STATES IN JAPAN,

Kanagawa, April 5, 1864.

SIR: I have the honor to transmit herewith No. 1, copy of a letter from our consul at Nagasaki, informing me of a murderous and unprovoked attack on an Englishman by a Japanese at that place.

It is supposed that diligent efforts are being made to discover the perpetrator of this outrage, though it is doubtful, judging from past experience, whether the satisfaction will ever be afforded me of informing you that he has been found and brought to punishment.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,

Minister Resident in Japan.

HON. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

No. 1.

Mr. Walsh to Mr. Pruyn.

No. 27.]

CONSULATE UNITED STATES OF AMERICA,

Nagasaki, March 26, 1864.

SIR: I regret to have to inform you that a murderous attack on a foreigner by a Japanese was made at this port in the foreign quarter, on the night of the 3d instant. It is the first occurrence of the kind that has taken place here, and has created a very unsatisfactory feeling among the foreign residents. The victim is an Englishman named Sutton; well known to every one as a sober,

peaceable, inoffensive man. He received a severe sword cut on the neck, and two on the left arm—one of the latter severing the bones. The blow at the neck was evidently intended to take the head off, and only failed in its object by coming in contact with a thick coat collar.

Sutton still lives, and there are good hopes of his recovery, although the wounds are severe. The ruffian who made the assault escaped and has not yet been arrested. The British consul informed me yesterday that the local authorities express much regret at the occurrence, and profess the greatest desire to arrest the perpetrator, saying they were making the greatest efforts to do so. I may say that Sutton is personally known to me, and I am convinced there could have been no provocation to the assault on his part, either at the time or at any other time. The assault occurred at about 8 o'clock, or soon after dark.

I am, sir, your obedient servant,

J. G. WALSH, *United States Consul.*

Hon. R. H. PRUYN,

United States Minister Resident, Kanagawa.

Mr. Pruyn to Mr. Seward.

No. 31.]

LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, April 8, 1864.

SIR: I have the honor to inform you that an embassy has proceeded to Europe, which is also accredited to the United States. As it is certain that it will fail to accomplish the result desired in Europe, it is possible that it may not think it desirable to visit our country.

As I have already informed you, such purpose was made known to me verbally, and I now enclose, No. 1, copy of a letter of the Gorogio, announcing their intention, and, No. 2, copy of my reply to that letter.

Being satisfied that "the means to tranquillize the public feeling, and the measures to perpetuate the good relations of peace and friendship between the two countries," veiled a purpose to ask further concessions, I embraced the opportunity afforded by an appeal to me, to assure the governor for foreign affairs that it was necessary I should understand precisely what was desired, to enable me to be of any service.

I thereupon addressed a letter to the Gorogio, of which I enclose a copy, (enclosure No. 3,) and received in reply a letter, of which I enclose translation, (No. 4,) which discloses the object of the embassy to be precisely what I had imagined.

I consider it unnecessary to make any comment on so extraordinary a proposition. It is scarcely possible to conceive that the government is serious in making the request, while it may be that the embassy is sent simply for the purpose of quieting the hostile Daimios, and of gaining time, which will either enable them to prepare for contemplated hostilities, or altogether avert them, as may be their purpose; it may also be possible that the facility with which they have obtained past concessions, on their statement that it was necessary for the maintenance of tranquillity and peace, may have encouraged them to hope for still further success. This government has no idea of the large sacrifice of property such a concession would involve.

It is scarcely necessary for me to say, that I am confident no further concessions of any character whatever should be made.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,

Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

No. 1

The Gorogio to Mr. Pruyn.

We have to inform your excellency that the great departure from the ancient custom in entering upon foreign intercourse led to much trouble of various kinds; public feeling became unsettled, and civil commotion was the result, as you have heard and witnessed. Though we strenuously exerted ourselves in devising and taking measures to quiet the public feeling and bring it in harmony with the change, yet the result thus far has not been satisfactory; and hence we lost some of the good will of your government, and the relations of peace and amity are not as heretofore, owing to the firing upon the American ship in the principality of Nagato.

We feel much displeased about this, as the action of our government may be deemed unjust. Wherefore, having selected the governors for foreign affairs, Ikeda Tskungo-no-kami, Kawadze Idlu-no-kami, and the Ouretske (censor,) Kawada Kwannosuke, as his envoys, his Majesty the Tycoon, sends them on a special mission to your capital.

As all the circumstances how the inconveniences kept increasing until now cannot be stated in a letter with sufficient accuracy, they will verbally represent this to your government, and frankly confer with it about the means to tranquillize the public feeling in our country, and about the measures to perpetuate the good relations of peace and friendship between the two countries without injury to many human beings. We therefore request your excellency fully to make known the foregoing to your government.

With respect and esteem.

The 24th day of the 12th month of the third year of Bunkiu, (February 2, 1864.)

MIDSUMO IDSUMI-NO-KAMI.

ITAKURA SUWO-NO-KAMI.

INOWUYE KAWATSI-NO-KAMI.

His Excellency ROBERT H. PRUYN,

Minister Resident of the United States of America, &c., &c. &c.

Mr. Pruyn to the Gorogio.

No. 18.]

LEGATION OF THE UNITED STATES IN JAPAN,

Kanagawa, February 4, 1864.

I have the honor to acknowledge the receipt of your excellencies' letter of the 2d instant. So much of said letter as refers to your domestic difficulties relates to a subject of which the President has already had full information. And, while it will afford him great satisfaction to learn of the adoption of measures which will entirely tranquillize the public feeling of Japan, he will advise your envoys, as I have already advised your excellencies, that the restoration of tranquillity depends upon your own internal policy and management, and is not to be effected by holding out to the hostile and dissatisfied hopes of further concessions by the treaty powers, which will not be given.

While it will doubtless afford the President much satisfaction to receive your renewed assurance of regret that the American steamer Pembroke was fired upon by the prince of Nagata's batteries, it will not surprise your excellencies if he attach less value to those assurances while you are occasioning daily loss to the owners of that ship by withholding the indemnity you have promised to pay.

The President will ever be solicitous for the preservation of the most friendly relations between the two countries, and he will be highly pleased to receive the assurances of the government of his Majesty the Tycoon, that it is animated by

the same desire. But the only sure basis on which peace can rest is, that each country avoid injury to the citizens and subjects of the other; or, if by the acts of lawless men such injury is done, prompt reparation be made to the party aggrieved.

No country is disgraced when excited or bad men violate the laws. Offenders against law, unfortunately, exist in every country. It is only when offenders are permitted to escape punishment, and injuries are done to friendly powers for which no reparation is made, that a government fails in duty to those who repose in their good faith.

The assurances of your excellencies of your desire to cultivate friendship with the United States, however pleasant they may be to the President, will lack the essential quality of value derived from treaties fulfilled and wrongs redressed; and it will be no excuse which the President can accept, "That it will be a disgrace to Japan to admit that criminals have done these injuries," because criminals do exist here as elsewhere. The President has the right to insist on their punishment, and compensation for their acts, when these lawless acts injure citizens of the United States, and such cases have arisen and now exist.

While, therefore, I say to your excellencies that you have a perfect right to send embassies to the United States as often as you think proper, I am bound to say, with the same frankness, that while these envoys will be received in a friendly manner, as coming from an avowedly friendly power, they can scarcely expect that warm and friendly reception which was accorded to your former embassy, because your excellencies will have failed to redress injuries of which the President has felt obliged to complain. And there will, therefore, be a sad difference between the professions and the action of the government of his Majesty the Tycoon.

With respect and esteem,

ROBERT H. PRUYN,

Minister Resident of the United States in Japan.

Their Excellencies MIDSUMO IDSUMI-NO-KAMI,

ITAKURA SUWO-NO-KAMI,

INOWUYE KAWATSI-NO-KAMI,

Ministers for Foreign Affairs, &c., &c., &c., Yedo.

Mr. Pruyn to the Gorogio.

No. 32.]

LEGATION OF THE UNITED STATES IN JAPAN,

Kanagawa, March 2, 1864.

Not doubting that your embassy which recently left Japan has for its object the extension of friendly relations with the treaty powers, I have the honor to request your excellencies to furnish me, for the information of my government, with a list of the names of the persons comprising that embassy, the rank they hold, their probable time of arrival at each of the places they are instructed to visit, and such other general information, in relation to this embassy, as will enable me to explain the object of their mission.

With respect and esteem,

ROBERT H. PRUYN,

Minister Resident of the United States in Japan.

Their Excellencies ITAKURA SUWO-NO-KAMI,

INOWUYE KAWATSI-NO-KAMI,

MAKINO BIBREN-NO-KAMI,

Ministers for Foreign Affairs, &c., &c., &c., Yedo.

The Goroglo to Mr. Pruyn.

We received your letter, No. 32, of the 2d March. We have only to state again, that we have no other object in sending an embassy to the treaty powers than that which was fully communicated to you and the consul-general of the Netherlands in our interview at the naval school, on the 14th day of the ninth month, (26th October,) and also in our letter to you of the 18th (should be 24th) day of the twelfth month of last year, (2d February, 1864.) We transmit herewith, for your information, a list of the names and the rank of the persons composing the embassy.

We are unable to say when the embassy will reach the various countries to which they have been sent, as this will depend upon the circumstances of the negotiations with all the powers.

Which we have to state in reply, with respect and esteem.

The 9th day of the third month of the first year of Genji, (14th April, 1864.)

ITAKURA SUWO-NO-KAMI,
INOWUYE KAWATSI-NO-KAMI,
MAKINO BIDREN-NO-KAMI.

List of the names of the personnel of the embassy.

Ikeda Tsungo-no-kami, first envoy; Kawadsa Idsu-no-kami, second envoy; Kawada Sagami-no-kami, censor; Tanabe Taitski, vice-governor; Tanake Lorentan, superior officer; Nishi Kitsiguro, interpreter, with the rank of superior officer; Ludo Tokiitshiro, superior officer; Sayto Jiroto, censor of rank.

The five last-named officers are of the first class.

Eleven subordinates, interpreter and officials, and some servants; no more than sixteen.

Mr. Pruyn to Mr. Seward.

No. 32.]

LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, May 4, 1864.

SIR: I have the honor to inform you that M. Duchesne de Bellecourt, minister plenipotentiary of France, has, as I am informed, at his own request been recalled, and been succeeded by Mr. Leon Rocher, late consul-general at Tunis.

My relations with both the British and French ministers are of the most pleasant and cordial character.

I have not as yet succeeded in inducing the Japanese government to recognize the justice of the claims I have made under your instructions, though I have recently had two interviews for their discussion, the last of which was held yesterday. I shall prosecute them with energy, and yet with patience and becoming moderation.

I have the pleasure to inform you that the government of the 'Tycoon will probably shortly despatch several naval officers to the United States, for the purpose of studying naval architecture.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,

Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Pruyn to Mr. Seward.

No. 34.]

LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, May 5, 1864.

SIR: I have the honor to acknowledge the receipt of your despatches Nos 47, 48, 51, 52, and 53, dated September 9, September 12, October 24, December 1, and December 7, 1863, respectively.

I have repeatedly insisted on provision being made for my residence at Yedo, but without success. The extraordinary position has been taken that my residence there, while my colleagues are content to remain at Kanagawa, will be regarded as a proof of want of friendship for the government.

By governors for foreign affairs I was verbally informed that the government has placed money in the hands of the priest, to enable him to rebuild the buildings which were destroyed, but do not know how much credit to give to the information, as I had been previously informed by other governors that the work was commenced, and when I went to Yedo found that no commencement had been made.

I shall write to the minister for foreign affairs, and learn whether they can now insure my safety at Yedo; and if so, not wait for the completion of the building, but occupy such quarters as were provided for my temporary use, although they are exceedingly inconvenient.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,
Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Pruyn to Mr. Seward.

No. 35.]

LEGATION OF THE UNITED STATES,
Kanagawa, May 16, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch No. 57, of the 13th of January last, and received with profound satisfaction the information that my course in reference to the proposition to close this port has been "unreservedly approved."

I enclose, No. 1, copy of a letter addressed by me to the Gorogio, pursuant to your instructions.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,
Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

No. 1.

Mr. Pruyn to the Gorogio.

No. 49.]

LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, May 16, 1864.

I have to state that I have been instructed by the President of the United States to inform your excellencies that he has been pleased to approve of my resistance to the extraordinary request made by you at the interview at the

naval school for the closing of this port, and of the fidelity and frankness with which I explained my proceedings in that respect to the representatives of the other treaty powers.

With respect and esteem,

ROBERT H. PRUYN,

Minister Resident of the United States in Japan.

Their Excellencies ITAKURA SUWO-NO-KAMI,

INOWUYE KAWATSI-NO-KAMI,

MAKINO REDZEN-NO-KAMI,

Ministers for Foreign Affairs, &c., &c., &c., Yedo.

Mr. Pruyn to Mr. Seward.

No. 36.]

LEGATION OF THE UNITED STATES IN JAPAN,

Kanagawa, May 18, 1864.

SIR : I have the honor to inform you that affairs wear a most threatening aspect. The government seems to be determined in its efforts to close this port, and has announced to the British minister that it was essential to the preservation of peace. The same subject was forced on the French minister in his first visit to the Gorogio, which was simply one of ceremony, and language used even more threatening.

The ministers of the United States, Great Britain, France, and the Netherlands, have had several conferences of late and are in perfect accord. We propose to unite in a letter to the government with a view to check its reactionary policy.

Her British Majesty's ship Conqueror, with a battalion of marines, is daily expected, and the balance of the 20th regiment is also en route for this place. On their arrival the British will have a force of 1,500 men here, exclusive of the marines and sailors of their powerful squadron of fourteen ships. There is in addition a French force of about one hundred bayonets, beside the corvette Duplex and two Dutch corvettes.

I have written to Captains Price and McDougal, as I learn the Alabama is again at Capetown, asking their presence here if consistent with their orders; and I also think it proper to say, that I most sincerely hope that the position of affairs at home will permit the President to despatch a strong re-enforcement to the squadron in the China seas.

I have thus far abstained from any such request because of the home demands, and also because I thought ships could be safely dispensed with here; but I think I should be remiss in duty if I failed to ask for them now.

I hope my fears will prove groundless, but all my colleagues concur in the opinion that it *would* be unsafe to rely too much on the continuance of peace, though we shall all labor to maintain it.

There can be no doubt that the withdrawal of the ships now here would be the signal for an instantaneous outbreak, and it would appear fair that the United States should participate in protecting our common rights and interests.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,

Minister Resident in Japan.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Pruyn to Mr. Seward.

No. 37.]

LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, May 24, 1864.

SIR : Sir Rutherford Alcock has shown me a letter from Earl Russell to Lord Cowley, in reply to questions addressed to him by the French minister for foreign affairs, M. Drouyn de l'Huys, in which he says that her Majesty's government has no wish to see the Japanese embassy in London, and that it will most decidedly decline consenting to the closing of this port.

The President has doubtless been made acquainted with the views of the British government, and it is needless for me to express any opinion, as he has already approved of my resistance to this demand.

I am pleased to see from the language used by Earl Russell that the reception of the Japanese envoys will be of such a character, and the answer to their request so decided, as to prevent hereafter any appeal to the treaty powers from the ministers accredited to this government, as success in such an appeal would make the position of the foreign ministers unpleasant, and deprive them of all influence, and almost render their presence here useless.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,

Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,

*Secretary of State, &c., &c., &c.**Mr. Pruyn to Mr. Seward.*

No. 38.]

LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, May 26, 1864.

SIR : I have the honor to enclose for your information, No. 1, copy of a letter addressed to me by Sir Rutherford Alcock, and, No. 2, copy of my reply, which will fully explain our opinion in reference to the present condition of Japan.

These letters were exchanged after several conferences, which were rendered advisable by the accumulation of documentary and verbal proof of the growing ascendancy of the hostile party.

The minister of France did not favor us with his views in writing, as his successor arrived a few days after the receipt by him of the letter of the British minister, but I am able to say that both the late and present minister of France concur in opinion that there is great reason to fear that the government may be unable, if really disposed, to resist the pressure upon it.

How long the struggle may be postponed is extremely doubtful ; whether it will be possible to avert it altogether is exceedingly improbable, unless, indeed, the treaty powers will consent to give up their right of trade and residence.

The two centuries in which Japan remained isolated and unchanged were centuries of unparalleled progress in Europe and America ; and now that its ports are opened, the past and the present stand face to face. These two forces will only harmonize as do light and darkness. One or the other must disappear. They cannot quietly coexist when brought into contact.

I have the honor to enclose Nos. 3, 4, 5, and 6, copies of four Japanese documents received from the British minister, which constitute a part of the evidence in our possession to prove that hostilities are contemplated by the

government as well as the Daimios, and that preparations for the same continue to be made.

I have the honor to be, sir, very respectfully, your obedient servant,

ROBERT H. PRUYN,

Minister Resident in Japan

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington.

No. 1.

Mr. Alcock to Mr. Pruyn.

No. 8.]

YOKOHAMA, April 22, 1864.

SIR : Several documents, bearing certain internal evidence of authenticity, have recently come into my possession from two independent sources. Assuming them to be genuine, they are calculated to throw some light on what has recently been taking place at Kioto during the great gathering of Daimios and the sojourn of the Tycoon at the capital of the Mikado. And as much of the information to be extracted from them shows very clearly the policy they have pledged themselves to carry out in respect to foreigners and the treaty powers generally, without distinction, I have had careful translations made, in the belief that if these documents have not already reached you from other quarters you will be glad to have them. I beg to enclose copies for your information.

My own impression of the importance of the facts disclosed as to the course of action determined upon by the Mikado, Tycoon, and Daimios conjointly, and the insecurity of the position they have made for us, leads me to the conclusion that it would be well if the example set by our avowed enemies, of an interchange of opinions and combinations of plans, were adopted by the representatives of foreign powers here. With a view to prepare the way for such collective action, and inviting at the same time the expression of your own individual opinion, I venture to submit the following observations as touching the principal matters for consideration.

I infer that these documents, whether faithful transcripts of originals, or garbled versions and extracts only, do certainly and substantially state the truth, both as to the existence of such originals and their purport. We are, no doubt, exposed to every kind of complicity and imposition on the part of those who know our anxiety for information, and supply it either to serve their own ends or the ends of the Tycoon government. But in the latter case it does not always follow that the information must be false. It may occasionally happen that the truth may be more serviceable to the Tycoon and his party than any falsehood, however ingeniously devised. That may be the case in this instance if it should turn out that the Tycoon does not covet the task, apparently assigned him, of driving out the foreigners, and dreads the issue. Under such circumstances it is easy to conceive that he would not be averse to our being advised of the whole scheme in time to enable us to save him from the disagreeable necessity of putting himself forward. Whether this were effected by our taking alarm and leaving the country, or by intimidating those who would urge on an attack to expel us, might be comparatively matter of indifference. And if the knowledge of the doing at Kioto, conveyed in these papers, be little likely to effect the first of these ends, it is impossible to deny that there is much to suggest the necessity of securing the other. This appears to me to form the main subject for consideration.

We have to take into our view, in connexion with these documents, and as corroborative evidence of their genuine character, a number of overt acts on the

part of the chief personages, about which there is no question whatever: The Mikado's decree for the expulsion of foreigners, officially communicated by the Tycoon, after a time withdrawn, and a modification in the programme substituted, calling upon us only to vacate Yokohama; the erection of numerous batteries at all the ports and in front of Yedo, designed to make those places more difficult of approach, at the same time that they menace the security of the foreign residents; the activity shown in the manufacture of arms; the large sums expended in the purchase of munitions of war and steamships; the enrolment and drilling of men everywhere going on even under our eyes; the resumption, with great earnestness, of an undertaking often before contemplated, but abandoned, owing to the enormous difficulty and cost of the enterprise, I allude to a great road the Tycoon is engaged in cutting through a range of hills which lie between Yedo and the rice-growing districts of Yetrigo, on the western coast, from whence the capital draws its chief supplies. The object obviously is to render it independent of any supplies brought by sea, upon which, at present, they are almost exclusively compelled to rely. Finally, the despatch of the last mission with the declared object of inducing the treaty powers to withdraw from Yokohami.

If all these proceedings be taken as a whole and in connexion with each other, there cannot well be any doubt whether a policy originating such measures is tending, or to what end it is directed. The documents now presented are in perfect accord, and may the more readily, therefore, be accepted as reliable sources of information in reference to existing political combinations and their object.

That these nearly concern us, and should be regarded as of deep interest, needs no demonstration. There is little difficulty in eliminating from all the verbiage and involution of Oriental phraseology one dominant idea, and that is, the final expulsion of the foreigner. This, however, is no less clearly shown to be held in check by a fear of consequences, and a consciousness of immediate danger in any attempt to pass at once to action. Hence the result of this grand convocation of notabilities of the highest powers in the state, and of all the deliberations that have taken place, is not a decree for our immediate expulsion, but for the postponement of any effort to give time for more adequate preparation, while the signal is given for the greatest activity in this work which is sooner or later to serve the end.

One question only seems to arise at this point, but it is all important. Do the several parties at work and the chief interlocutors in these documents, Mikado, Tycoon, and Daimios, not only wish our expulsion, of which there can be very little doubt, but mean, in earnest, to compass that end at whatever cost or sacrifice, believing in its practicability? or do they merely employ such language as supplying the fitting and proper terms to use under the circumstances in order to meet a hostile clamor and gain time with the view of tiding over present difficulties? Because, if the latter could be safely assumed, it may be well to wait and watch the course of events. We could, in that case, perhaps, be patient under a continual menace of hostilities and an occasional assassination, however unenviable and undesirable such a position may be; but if, on the contrary, they earnestly mean what they say, it might undoubtedly be a wiser policy to anticipate attack, and strike a blow calculated to put an end to this continuous agitation—this state of active preparation for our forcible expulsion or extermination as might chance—an agitation which, be it remarked, *en passant*, is itself a source of considerable danger, injurious to the prestige of foreign powers, and affecting not only the stability of our position, but the security of life and property.

I have referred to this as the one all-important question, because there seems a present necessity for taking the one view or the other to represent the truth, as the basis of any consistent policy on the part of those treaty powers who

have vested interests at stake and contemplate upon insisting upon the maintenance of permanent relations of amity and commerce with Japan.

I cannot but conclude, upon a careful review of all the facts known to us, that there is a settled purpose to get rid of foreigners, and either to expel them from the Japanese territories altogether, or, failing this, to lock them up within the fortified barriers of Nagasaki, where entrance and escape are alike difficult, if not impossible, without the consent of those who hold the keys. To those who adopt this conclusion little remains but to consider what is likely to be the Japanese plan of operation, in order to form an opinion as to the relative expediency of a passive and expectant policy on the one hand, or a bolder and more decisive course of action, with a view to bring a quarrel (which is only adjourned by the Japanese in order to give them time to strike with more effect) to a more speedy issue when the choice of time and place will be ours, not theirs, and the advantage of preparation will not be, as is now intended, on the enemy's side.

Before considering the latter alternative it may be well to take note of some very cogent reasons which seem to exist against an entirely passive and expectant policy.

If an avowed enemy is actively preparing to undermine and attack our position, it can hardly be wise to allow him to complete the sap, with a match in his hand, which we cannot see or prevent his applying to the train at his own time. We cannot always be in a state of preparation either for sudden retreat or defence. Great Britain has, at this moment, a considerable squadron in these seas, and troops within reach. But this cannot be counted upon as a permanent state of affairs.

The Japanese know that any outbreak of war among the treaty powers might change these dispositions, and leave all the foreign residents helpless. We have the misfortune to be surrounded by possible enemies, whose unfriendliness would at once assume the form of open hostility, if there appeared but a prospect of success. Remembering, also, that in the east at least there is no effective diplomacy, without force for its background, it behooves the treaty powers to decide while it is yet time between the only two courses open. The passive policy, however watchful, cannot be called defensive, where no defence is possible, as is the case even at this moment. If any doubts prevail on this subject, the several reports of military authorities, now in my hands, will effectually dispel such illusion. The defencelessness of this community, indeed, notwithstanding the pretence of a large squadron, is one of the strongest arguments against an indefinitely prolonged state of suspense and inaction. All the competent military authorities which have been consulted are perfectly unanimous as to the utter absence of any effective means of defence, even from the attack of small desultory bands of armed men. There is nothing to prevent their penetrating the settlement, setting it on fire, and murdering the greater part of the inhabitants before they could either escape or destroy their assailants. To make any defence would require the erection of barriers, guard-houses, barracks, a free command of labor, a large expenditure of money, and, at least, three months of time. Then, only with one thousand men at command, it is considered the place might be made tolerably secure against desultory attacks. No one of these conditions exists or can be realized; for, if there is peril in waiting until danger is at the door, there are insuperable obstacles to any adequate preparation in advance. The Japanese would not supply the land for guard houses and barracks, or the labor; and any political agents insisting upon making the attempt might possibly precipitate a collision, and would certainly lay themselves open, both in this community and at home, to the onerous charge of unnecessarily provoking the danger they sought to avert. Nagasaki is indefensible under

any circumstances, and Hakodadi could just as little be suddenly covered, or the people taken away. In this dilemma, if it be really believed that the Japanese ruling powers are in earnest in their plans for our expulsion, or even that some are, and the Tycoon's government, through lukewarmness in their cause, is not to be trusted by foreigners, what course may be open to the treaty powers equally anxious to prevent such a consummation, and avert a national war on a large scale.

The indiscriminate attack on foreign flags, the stoppage of native junks, even when carrying produce for foreign markets, and the closure of the Inland sea by the Prince of Chosen, are such undoubted acts of hostility directed against foreign powers as amply to justify any hostile action on their part, which may be directed against him or his batteries. The Tycoon's government might not be unwilling to co-operate or to sanction a decisive blow at this puissant Daimio, who seems to set all native authority, as well as foreign powers, at defiance. If such a measure could be successfully carried out by even three or four of the chief treaty powers, cordially joining with whatever force each might have available, it seems probable the result would go far not only to paralyze the individual Daimio attacked, but all the hostile party, by showing the utter worthlessness of costly preparation, and their incapability of making effective resistance. The Tycoon's concurrence, either in active operations or merely by consent, could hardly fail to isolate him from the anti-foreign faction, and probably would compel him to adopt with more sincerity a friendly policy. In the event of his refusing to participate in a measure of this nature, it would have to be determined whether such refusal should or should not deprive the treaty powers of all action calculated to extricate them from a false position—one of prolonged doubt, under open menace of expulsion, contrary to the stipulations of treaties. If such a course of action should be adopted by common consent, whether with or without the Tycoon's consent, the result might reasonably be expected to be beneficial, either in preventing an attack upon the foreign communities, and thus averting a catastrophe first, and a war afterwards; or in compelling those who contemplated this end to act decisively at a disadvantage, and before they had all the time they desired for preparation. In the present state of unpreparedness, in which Japan confessedly is for war with a western power, any diplomacy on their part which gains time is obviously an advantage to them; but it would be far better for the treaty powers, and, I believe, also better for the true interests of the Japanese, as a nation, to bring it to an issue at once. The struggle will be less protracted, the area of the conflict more restricted, and the war itself, if war there should be, on a less costly scale. Whereas if nothing be done to place foreign relations on a more stable footing, and with better prospect of security to the interests at stake than is consistent with the present policy of the Japanese government, there does not seem a hope that either time, the efforts of diplomacy, or the spontaneous action of the ruling powers in Japan will bring about any improvement. It seems still more impossible that the *status quo*, were it less satisfactory, can be maintained. Rapid and serious deterioration, which sooner or later must end in hostilities, can alone be anticipated, and the longer they are deferred the more extended is likely to be the field of operations.

I have thus unreservedly given my own views on the present aspect of affairs, and the attitude taken by the Japanese ruling powers. I speak of them collectively, for, at the present moment, the action of Mikado, Tycoon, and influential Daimios is so confusedly blended, that it is impossible to assign to each their part. My object is to elicit an equally frank expression of opinion from my colleagues as the best mode of arriving at some common base of operations, and

to make head against those who seem resolved on making no distinction whether as regards nations or persons.

I have the honor to be, sir, your most obedient, humble servant,

RUTHERFORD ALCOCK,

Her Britannic Majesty's Envoy Extraordinary and Minister

Plenipotentiary in Japan.

His Excellency General PRUYN,

United States Minister Resident in Japan.

[Enclosure No. 2.]

Mr. Pruyt to Mr. Alcock.

No. 45.]

LEGATION OF THE UNITED STATES IN JAPAN,

Kanagawa, May 13, 1864.

SIR: I have the honor to acknowledge the receipt of your letter of the 22d ultimo, and to present my thanks for your very full and frank expression of opinion as to the true condition of affairs in this country.

Recognizing fully the importance of a free interchange of views by the representatives of the treaty powers, I proceed to notice the topics you have presented, which I am relieved from doing at length, in consequence of your interesting and elaborate discussion of them. Under any circumstances it would be difficult to form an entirely satisfactory judgment of the actual state of affairs in this empire in consequence of the absence of the ordinary channels of information in every country open to the foreign ministers resident therein, and in consequence, also, of the limited means of intercommunication. The difficulties arising from our extreme isolation are greatly increased by the remarkable and habitual reserve of the high officers of government, and their systematic efforts to prevent information reaching us through unofficial channels. The magnitude of this embarrassment can only be appreciated by those resident in this country. Any important information obtained through official sources can never be received without distrust. The experience of all the ministers of the treaty powers, I think, is, that this information is rarely given except for the obvious purpose of qualifying or explaining away that which is known or suspected to have been already acquired. I have frequently, but without any apparent success, urged upon the government of his Majesty the Tycoon the duty and policy of manifesting more confidence, and displaying more frankness, in its dealings with those representatives. Much of the information we now have is conflicting, and a portion of it unworthy of credit. There is on one point, however, a remarkably uniform concurrence, both in the verbal reports and the documents we have severally had the good fortune to secure. All unite in disclosing that the Daimios are engaged in extensive and costly warlike preparations, and that while a formidable minority believe in their ability to expel foreigners now, very few distrust their eventual power to accomplish that result. The great change recently made in the government, relieving the Daimios from their compulsory and burdensome residence at Yedo, was confessedly yielded for the purpose of enabling them to expend larger sums in these preparations. There is probably as yet no fixed purpose of action. But it cannot be doubted that great preparations are in progress to effect our expulsion should it be finally decided to make the attempt; nor can it be doubted that the large majority of Daimios are bitterly opposed to the maintenance of the treaties. The government of the Tycoon has succeeded in resisting this strong current of opposition so as to prevent its assuming the form of united action; and yet, within the past year, it was compelled to yield to it, and give formal notice of its purpose to close the

ports. After the Tycoon had succeeded in escaping from the pressure, and felt himself secure at Yedo, he was able to recall that order. But the combined forces before which he had been obliged to succumb at Kioto were sufficiently potent, even in his own capital, to compel him to seek to obtain by negotiation what he feared, or was unwilling to attempt by force. Hence the request made to surrender this port, and the mission to the treaty powers with the avowed object of asking that foreign trade be restricted to a port at the north, distant from the chief products of the country, and to the port of Nagasaki, entirely incapable of defence, and easily sealed to commerce, unless protected by a powerful land force. It is to be hoped that the government of the Tycoon is more enlightened as to its inability to contend successfully with the treaty powers. But it is impossible to believe it to be free from the prejudice and hostility which so thoroughly pervade the privileged classes. All that can be expected is, that fearing the result of a conflict, and satisfied that it can only be averted by observing the treaties, it will in good faith bend every power to their maintenance. I cannot see that any injustice is committed towards the government by entertaining these opinions. It must be sensible of the danger to which the institutions of the country are exposed by the continuance of foreign trade and intercourse, and it can scarcely be expected to welcome cheerfully the presence of silent yet powerful forces, which must eventually endanger its own existence. There can be no doubt that the entire framework of society and government must be remodelled in their presence, or it will crumble and disappear before them. The ancient feudalism of Europe has its counterpart here, tainted by a deeper corruption of morals, and unsoftened as that was by a high sentiment of honor, a chivalric devotion to the sex, and the precepts of the Christian religion. As that system fell before the rise of the free cities, the spread of commerce, and more enlightened views of liberty and government, so must the system which fetters, paralyzes, and degrades Japan disappear in the presence of the representatives of constitutional government, of a wider commerce, and a purer Christianity.

That this danger is felt and appreciated is apparent from the persistent but vain attempts which have been made to induce the ministers of the treaty powers to recognize or establish among their citizens and subjects resident here, distinctions analogous to those existing in Japan, and to impose similar restrictions and disabilities to those enforced by the Japanese laws.

As almost the entire profit of the foreign trade is absorbed by the government of the Tycoon, or by the chief Daimios, who monopolize the surplus products of the soil, the formation of a powerful and wealthy middle class will be retarded, and to this extent the danger to the privileged classes arrested.

At present, the only voice heard or power felt in Japan is that of these privileged classes; and either to the extent of this influence, or to the greater power of ignorance and prejudice, is to be attributed the well known fact that the lower classes in this town, notwithstanding their presumed friendship for foreigners, and their obtaining from foreign trade a better support, were, less than a year ago, prepared to commit any violence, and needed only a sign to prompt them to an indiscriminate and bloody attack on the foreign settlement.

In view of these facts, what is the duty of the treaty powers? Manifestly to insist on the observance of the treaties, and neither to surrender nor postpone any rights now acquired. At the same time, they should, in my opinion, exercise great moderation and forbearance in their treatment of the government, and give it credit for sincerity, as far and as long as possible; sympathize with and aid it in its difficulties, and strengthen it as far as may be safe, to enable it to resist any probable combination of the Daimios, of whom the Tycoon is not the sovereign, and who are in a great measure independent.

Experience has demonstrated that if the hostilities of any of the Daimios should manifest itself in acts, it is possible to repress and punish the offender

without bringing on a conflict with the government, and the most efficient aid can probably thus be given to the government.

Entertaining these opinions, I felt it to be my duty to punish the prince of Nagato for the outrage committed by him in firing on the merchant steamer *Pembroke*, with such small force as I then had at my disposal, and for the same reason I united with the representatives of France, Great Britain, and the Netherlands, in a resolution declaring that it was indispensable for the maintenance of treaty rights immediately to reopen the inland sea by a combined operation of the naval and military forces; at the same time giving the Tycoon's government an opportunity by its own means to render such action unnecessary.

I regarded such action as alike demanded by the dignity of our governments, and the safety of their citizens and subjects resident in Japan, and as essential to the maintenance of peace.

The President of the United States has been pleased to approve of my action.

No response has been made to the joint note by the government of his Majesty the Tycoon, nor has anything been done to restrain the Prince of Nagato from the commission of further violence or to punish him for past offences.

Very soon a year will have passed away, and no attempt has been made to carry into effect the deliberate decision of the representatives of the treaty powers. It is much to be regretted that the memorandum in question, now, perhaps, regarded as an idle menace, was transmitted to the government. Nor should I have signed it had I supposed that the failure of the Japanese government to act with vigor and promptitude would not have been followed by appropriate action by the treaty powers interested.

The original offence of the Prince of Nagato consisted in firing on a merchant steamer of the United States, a despatch steamer of his Imperial Majesty the Emperor of the French, and the Netherlands steam corvette *Medusa*. I cannot see how, by doing so, he violated any law of Japan. On the contrary, he respected that still existing law which prohibits the presence of foreigners, and justifies any violence even to death. I understand this to be his defence, and that he acted under the direct orders of the Mikado.

I am, therefore, inclined to credit the reports of the reluctance and refusal of Daimios to march their forces against him, and to believe that if any punishment is inflicted, it will be for some independent offence against the Tycoon, or for some breach of etiquette, such as obeying the order of the Mikado transmitted direct and not through the Tycoon.

When in the presence of my colleagues, I asked the vice minister Sakai Hidanokami whether the Tycoon approved of the course of the Prince of Nagato. His answer was, that "depended on the fact whether he had acted under the orders of the Mikado; and if so, while he 'interiorly' condemned, 'exteriorly' he would be obliged to approve."

The government was probably then aware that the hostile acts in question were the legitimate results of the deliberations at Kioto. It is also probable that the orders were transmitted direct to prevent the Tycoon from delaying or qualifying them, and that Chosen embraced the earliest opportunity to commence hostilities, hoping to involve the government inextricably in war. The result was different, however, from what he anticipated. The prompt and severe punishment inflicted had the effect to intimidate the hostile Daimios, who were easily convinced that it would be unsafe to encounter all the treaty powers, while too weak to resist successfully even one of them.

The government of the Tycoon was enabled, therefore, to obtain their acquiescence in a resort to negotiation, the interval to be devoted to preparation for an effectual and final struggle.

Had the Prince of Nagato abstained from further hostilities, the opportunity for humbling his pride and crippling his resources would now be lost. Unhappily for himself, but fortunately for this government and for the preservation of peace, he has exhibited at least the merit of consistency. He still obstructs commerce with foreigners; to this end he has fired on a steamer of the Tycoon, loaned to the Prince of Satsuma, and on junks of that prince, engaged in carrying cotton to Nagasaki. His batteries have been multiplied, and his cannon line the straits of Simonoseki. The inland sea is closed to commerce; no merchant ship dares to pass through it.

It is the earnest desire of the President of the United States to preserve peaceful relations with the government of Japan, and I have faithfully and zealously labored to that end.

In the hope that peace can thus be most effectually preserved, I am prepared to meet with my colleagues, and after fully considering the existing exceptional and hostile attitude of this prince, and the state of affairs in Japan, concert such measures as may be regarded as essential to the preservation of our treaty rights.

I entertain no doubt that a result may be attained which will enable us to do this without any conflict with the government, and which will, in fact, greatly strengthen it, and avert the civil war it has so long feared.

I have the honor to be your most obedient, humble servant,

ROBERT H. PRUYN,

Minister Resident of the United States in Japan.

SIR RUTHERFORD ALCOCK, N. C. B.,

Her Britannic Majesty's Envoy Extraordinary

and Minister Plenipotentiary in Japan.

[Enclosure No. 3.]

Letter of the Mikado to the Tycoon.

We, an humble personage, and feeling our unworthiness to hold the position of Son of Heaven, have from gratitude, since our succession to the throne of our ancestors, always been in anxiety, fearing lest we should be unable to gain by our action the approbation of our forefathers and satisfaction of our subjects.

One of the principal causes of our uneasiness is the often repeated appearance of foreign barbarians, who have violently visited our ports, since the 6th year of Kalie, (1853,) and have greatly endangered the integrity of our country. The prices of many articles of daily use have risen, and our subjects have greatly suffered in consequence.

What shall the Gods of Heaven and earth think of me?

Oh! whose fault, whose mistake is this?

Night and day these thoughts torment me without ceasing.

I have held a council the other day with my military nobility, (Daimios and nobles,) but unfortunately inured to habits of peace, which for more than two hundred years has existed in our country, we are unable to exclude and subdue our foreign enemies by the forcible means of war.

Therefore, if we, without duly considering this, do raise the law of expulsion and extermination, surely miseries and calamities without measure will fall upon our country.

The Tycoon (Bakfoo) has seen into my heart, and has amended the laws which existed for ten generations. He has lessened the servitude of the Daimios, and allowed them to take their families to their respective countries, and ordered that the requisites of war and military exercise should be more extensively

carried out. He has reduced unnecessary offices and expenses, and prepared many ships-of-war and cannons. All this pleases not only us, but shall greatly delight our ancestors and subjects.

Also the re-establishment of the old custom, by which the Tycoon came last spring to my court, meets highly with my approbation.

Against my expectation, T'usiwara Saneyosi and others took for good the unruly and impracticable proposals of ill-disposed people, and not taking into consideration the state of progress in the world, nor the danger of our own country, did, under my name, circulate the inconsiderate mandate for the expulsion of barbarians, and he attempted also to create a war in order to destroy the Tycoon.

In regard to our rebellious and disobedient subject, Nagato Saijo, who deceived his master, fired carelessly upon foreign ships, murdered in secret the Tycoon's envoy, and, without order from us, took Saneyosi and others to his country; such mad people ought not to be allowed to escape without condign punishment. However, taking into consideration that all this was caused by my own want of ability, I most deeply repent my mistakes, and feel ashamed.

If we compare our Japanese ships-of-war and cannon to those of the barbarians, we feel certain that they are not sufficient to inflict terror upon the foreign barbarians, and are, also, insufficient to make the splendor of Japan show in foreign countries. I should think that we only should make ourselves ridiculous in the eyes of the barbarians.

Therefore, my desire is as follows: With the combined strength of Japan to erect fortifications on the principal points of the seaboard, in order to protect the capital and respect the laws of our country and protect our subjects against foreigners, and taking the force of the different Daimios, to let each of them defend their own sea-coast and harbors, (and if the foreigners should attack,) take large numbers of our ships-of-war, and destroy the never-satisfied, ugly barbarians, in order to carry out the laws of our ancestors, which direct the extermination of barbarians.

The Tycoon last year remained a long time in Kioto, and this spring has come again to Kioto; many Daimios have also incurred large expenses by coming to Kioto, and by sending their wives and families to their respective provinces.

In consequence of this, therefore, it is not to be expected that they should now make use of their money to purchase armaments, but we do not desire that they should incur any more of these large expenditures, but reduce them, and devote themselves to making preparations of war, and make them effective. Also teach their warriors all that is necessary to make them strong, in order that no blame can be attached to their names.

Oh! the Tycoon and the large and small Daimios are all my children! Let them do their best, and unite with me for the future to redress mistakes hitherto committed, and not oppress their country people, neither delay getting ready the necessary munitions of war, and commence with zeal for the extermination of the barbarians, and not forget the profession of their forefathers, which was that of arms.

If they do not act as we desire them now, they shall not only offend my heart, but the spirit of our ancestors shall be highly displeased. And what shall the Gods of Heaven and earth then think of them?

Given in the 4th year of Bunkiu, 1st month, (1864)

[Enclosure No. 4.]

Answer of the Tycoon.

The imperial will, expressed in the letter with the sight of which I have been favored on the 27th of last month, was to the effect that the Mikado desires to take upon his own responsibility all the adversities which have happened in our illustrious country ever since the accession to the throne of his ancestors; that decree has really inspired me with veneration, and moved my heart even to tears.

When I contemplate the errors committed by me up to this time, and reflect upon my own conduct, I feel abashed at the amount of transgressions I committed. Your servant Iyemochi, endowed neither with skill nor genius, has, with many short-comings, served in his important position, and having been unable to hold the reins of government with becoming wisdom, internal and external difficulties have arisen and are still continually thickening upon us. All this caused much anxiety and disquietude of mind to the Mikado; because, although I accepted the decree for the expulsion of the barbarians last year in Kioto, I have been unable to carry it into effect up to this time; neither the closing of the port of Yokohama, nor the negotiations regarding it, have yet been accomplished, and it is difficult to say when these matters shall come to a successful end.

Notwithstanding that none of the orders were carried into execution, I obeyed your invitation, and have appeared for a second time at your court, at Kioto, expecting to find the Mikado in great anger with me, and to be heaped with reproaches; but, on the contrary, I am highly praised, and by a most condescending decree of the Mikado your servant Iyemochi's gratitude is high as the mountains, and profound as the ocean, and anything your servant can do will fall unmeasurably short of returning an equivalent amount of thanks for such benevolent treatment as he has received at your hands.

In future we shall change the old and outgrown customs, treat the Daimios like brothers, unite their hearts and arms with his, in order to serve the Mikado, as a faithful servant; with the obedience of a child he shall reduce in time of peace the unnecessary expenditures, and carry out with zeal and ardor the military arts and requisites of war. He shall put up the decaying government and inspire energy into the minds of that effeminated people, and take care of the coast defences near the capital, and the provinces, that the foreign barbarians can no longer contemptuously play with us. He shall build many ships, and cast large cannons, so that again we can undertake for a second time our great object, the punishment and expulsion of the barbarians from our soil, to make the glory of our empire appear more and more abroad, and set the Mikado's mind for ever at rest.

He shall with great promptitude, however, obey the desire of the Mikado, that the expulsion shall not be undertaken without due deliberation, and I have a stratagem in view by which I shall accomplish my object and be certain to gain the victory over the barbarian.

In regard to the closing of the port of Yokohama, I have already sent envoys to foreign countries; and although I intend to do my utmost and use every endeavor, still I am ignorant of the intentions of the barbarians in this matter, and, therefore, make the greatest exertions to defend our sea-coast and to be at all times prepared.

I have made it my duty to apply myself diligently to the military tactics and the regulation of the important changes which are about to take place in future, and carry them out according to the wish of the Mikado, in order to encourage progress in our country, which of late has fallen into disuse—to su-

prise the barbarians, (*lit.*, drink their lives,) and not oppress our subjects, and put the Mikado's mind at ease.

I honor the spirits of the ancestors of the Mikado, and act according to the traditions handed down from my forefathers. This is the sincere wish of your servant, Iyemochi, and is, therefore, presented in answer to the Mikado's letter.

Your most respectful, humble and obedient servant,

IYEMOCHI.

[Enclosure No. 5.]

Circular addressed to all Japanese merchants trading with foreigners, by Arima Totomi-no-kami, member of the Gorogio.

Whereas, since the opening of the port of Kanagawa, our merchants have carried on trade with foreigners, regardless of the future of Japan, and have consequently caused a scarcity of the various articles of daily consumption, we hereby, in order to remedy this evil, call into force the order of 1860,* wherein it was determined that silk, or any other of the five articles of daily consumption, shall not be brought directly from the different provinces or towns of Japan to Yokohama and sold there to foreigners.

It has also come to our notice that, notwithstanding the silk produce of this season has not been plentiful, many persons having only their private gain in view, and indifferent to the calamities which such a course of action must bring upon the whole of Japan, have sent large quantities of merchandise to Yedo to be sold to foreigners.

As a necessary result of such a course, articles of daily use must become more and more scarce, and the prices continue to rise. It will bring hard suffering upon the whole of Japan, and throw it into extreme misery. All merchants, not only those of Yedo, but of the whole empire, are, therefore, warned to contemplate the state of things above described, and act accordingly, for the benefit of the country at large.

The above shall be circulated on the estates of the Tycoon, Daimios, Hattamotos and temples.

OCTOBER 8, 1863.

[Enclosure No. 6.]

From a correspondent in Yedo. His letter is dated 8th of May, 1864.

On the 27th Sangwats (2d May) the steamer Shokakumaro arrived here from Kioto, having on board Arima-Totomi-no-kami, a member of the Gorogio, and the chief Ometske, Okubo-Bungo-no-kami; also the Metske-Matsudaira-Kesaburo. The object of their visit to Yedo is stated to be with the intention of entering, without delay, on the negotiation with foreigners upon the subject of closing the ports, which has again been determined and agreed upon at Kioto, although once in Kioto the proposals of Satsuma and Higo, for the general opening of Japan, were about to be accepted. Again, this time, the aspect of affairs has entirely undergone a change, and the designs and intrigues of Stotsbasi appear to have gained the day.

Matsudaira-Osumi-on-kami, (Soboora,) and the prince of Etsizen, amongst

* The order of 1860 is to the effect that the merchandise must first be brought to Yedo, to be there examined and approved for sale before it can enter Yokohama.

the number of Daimios who have until now stood firm in favor of a more liberal policy, have retired to their own palaces under pretext of being sick, (always a sign of distress.) The Daimio Matsdaira Josa has gone back to his province.

The state of affairs in Kioto has caused here great excitement and agitation among the Daimios, retainers, and Lonins; and the mercantile part of the town is greatly disturbed, very much like the consternation prevailing last year, in the winter and spring, at the time the demand of the British government was put forward.

The return of the Tycoon is indefinitely delayed.

Mr. Pruyn to Mr. Seward.

No. 39.]

LEGATION OF THE UNITED STATES IN JAPAN,

Kanagawa, May 30, 1864.

SIR: I have the honor to enclose, No. 1, a copy of a protocol this day signed by the ministers of the United States, Great Britain, France, and the Netherlands; and also, No. 2, a copy of the letter addressed by myself to the ministers of foreign affairs on the same day, agreeably to the terms thereof. A similar letter was at the same time sent to them by my colleagues.

With a view of marking our sense of the gravity of the occasion, and of giving more importance to our note identique, a Japanese version accompanies each of our letters.

I trust the firm attitude of the four powers may strengthen the government in its struggle with the Daimios, though I confess I have no hope that it will venture on any measures of repression.

I have the honor to be, sir, your most obedient servant,

ROBERT H. PRUYN,

Minister Resident in Japan.

HON. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

LEGATION OF THE UNITED STATES IN JAPAN,

Kanagawa, May 30, 1864.

The representatives of the United States, Great Britain, France, and the Netherlands, having, on the 25th day of July, 1863, declared it to be indispensable to the maintenance of treaty rights that the inland sea should be reopened, they announced such decision to your excellencies, confidently hoping that his Majesty the Tycoon would effect that object.

In this reasonable expectation they have been disappointed. The Japanese government has made no reply to that communication, nor has it taken any steps to put a stop to hostilities, which are still threatened. It has, on the contrary, shown either its sympathy with those hostile to the treaties, or its submission to their dictation, by asking that the port of Kanagawa should be closed; and declared that it is only on such condition that peace can be preserved.

The undersigned, having been made acquainted with the views of his government in reference to this most extraordinary proposition, is enabled to declare that no such concession can be made. He therefore invites your excellencies to withdraw such request, in order that the excitement which will naturally attend its discussion may be removed.

In the interest of peace, he also feels it to be his duty to declare that the government of his Majesty the Tycoon cannot safely rely upon the further forbearance of the United States, and that it will be expected to show both its willingness and ability to remove the obstruction to commerce which now exists at the outlet of the inland sea, and to prevent any repetition of the hostile acts of the Prince of Chosen.

The undersigned considers it equally his duty to call the serious attention of the government of the Tycoon, at this moment, to the great responsibilities which will inevitably fall upon them, if, as the language of the ministers themselves would lead it to be inferred, any violence should be offered to the foreign residents by Japanese subjects, or any damage, by whomsoever inflicted, on their interests, trade, or property in this country, which equally, with their lives, are placed under the safeguard of treaties and of the law of nations.

With respect and esteem,

ROBERT H. PRUYN,

Minister Resident of the United States in Japan.

Their Excellencies the MINISTERS

FOR FOREIGN AFFAIRS, &c., &c., &c., Yedo.

Mr. Pruyn to Mr. Seward.

No. 44.]

LEGATION OF THE UNITED STATES IN JAPAN,

Kanagawa, July 2, 1864.

SIR: I have the honor to enclose, for your information, copies of letters in relation to the arrest of Quartermaster West, of the Jamestown, by the French guard, in the streets of Yokohama, and his confinement in the French guard-house.

No. 1.—Consul George S. Fisher to M. de Bellecourt.

No. 2.—Reply by French Acting Vice-Consul Vander Voo.

No. 3.—French circular letter to consuls, Kanagawa.

No. 4.—French Admiral Jaures to French minister.

No. 5.—Consul Fisher to French minister de Bellecourt.

No. 6.—Reply by French Acting Vice-Consul Vander Voo.

No. 7.—Mr. Pruyn to M. de Bellecourt.

No. 8.—M. de Bellecourt to Mr. Pruyn.

Immediately after the troubles had arisen growing out of the British demands and the British admiral had announced his inability to defend this place, Admiral Jaures undertook the task, obtaining from the Japanese government for that purpose a strong position on the bluff commanding the town. This position is still held by the French alone, though it was understood at the time it should be held jointly with the British.

The arrangements between the French and British officers were made while I was still at Yedo, and restored confidence to this community.

The arrest of Quartermaster West was one of those events which, while it could not be justified, very naturally grew out of the exceptional position of affairs.

Not feeling at liberty while our citizens were enjoying the benefits of the French guard, the withdrawal of which would have been at that time the cause of serious mercantile loss, (nearly all the merchants prior thereto having embarked their merchandise,) to insist too rigidly on the punishment of the offenders in this case at the evident risk of a quarrel with my colleague of France, who showed great sensitiveness on the subject, I endeavored to reconcile matters in several personal conferences.

The order of Admiral Jaures having been issued, and security thereby afforded against the repetition of such arrests and confinement, and the French minister having so promptly intervened to procure West's discharge, I was still more inclined to overlook the offence, as I was also satisfied West had insulted the officers, notwithstanding his denial. Admiral Jaures had meanwhile left, and I was awaiting his return in the confident belief that then satisfactory explanations would be given, when I learned that M. de Bellecourt's successor was daily expected. I thereupon addressed a letter, (enclosure No. 7,) and received his reply, (enclosure No. 8.)

I presume you will think it unnecessary to take any notice of the case. Admiral Jaures is now in port with his flag-ship. But while I have thought it proper to send you the papers, I think it unnecessary to reopen the subject for the purpose of procuring the names of the officers, as they can be obtained as readily from their government if you regard the case of sufficient importance to notice it. It has appeared to me one of those cases which must almost necessarily arise from a *quasi* state of hostilities in a semi-civilized country; and in the absence of all intention of insult, and in view of the prompt action of the admiral to guard against future cause of complaint, I have thought I could with honor refrain from further insisting on the punishment of the offenders or an apology.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,

Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington.

No. 1.

CONSULATE OF THE UNITED STATES OF AMERICA,

Kanagawa, Japan, August 12, 1863.

SIR: I am requested by C. Price, captain United States navy, to ask for information in relation to the imprisonment, on the 9th instant, of Signal Quartermaster Henry West, of the United States ship-of-war Jamestown, he having learned that it was by order of a French officer.

Be kind enough to give me the name of the officer ordering it; also information as to whether the said officer knew the nationality of the said Henry West when ordered by him under arrest.

I have the honor to be, very respectfully, your obedient servant,

GEO. S. FISHER,

United States Consul.

M. DU CHESNE DE BELLECOURT,

H. I. M.'s Minister Plenipotentiary and Consul General in Japan.

No. 2.

LEGATION AND CONSULATE OF FRANCE IN JAPAN,

Yokohama, August 12, 1863.

(Consular service.)

SIR: I am directed by the minister of France to inform you that he has transmitted to Admiral Jaures the letter which you addressed to him at the instance of the commander of the United States ship Jamestown, with the view of being furnished with a report of the circumstances of the arrest of a petty officer of his ship.

Should the French military authorities not send their report directly to Captain Price, they will then send it to this consulate, when it will be immediately transmitted to you.

Please accept, sir, the assurance of my high consideration.

The acting chancellor and vice-consul of France, *ad interim*,

ALPHONSE J. VANDER VOO.

Col. GEORGE S. FISHER,

Consul of the United States in Japan.

No. 3.

[Circular.—Translation.]

YOKOHAMA, *August 12, 1863.*

GENTLEMEN: In accordance to the communications made to me by Admiral Jaures, I have the honor to inform you that the strictest orders have been given in all the French guard posts to hand over to their competent authorities, without delay, any foreign soldiers or sailors arrested through urgency in the streets of the town because of creating trouble by the patrols ordered on for the preservation of order in Yokohama; the said patrols have orders not to arrest any foreigner without a good motive, of which a detailed account will be given, certified by the officers of the guard. It has also been recommended to the patrols to hand the persons arrested to their own consulate, where they will be delivered against a certificate from the consulate employé there present. In case the person arrested cannot be handed over because of the absence of the proper employés at his consulate, it will be sufficient to claim him with a written paper with the consular seal, or verbally by an officer of his nation in uniform. In either case a detailed report on the causes of the arrest will be given to the counsel or to the military authorities.

Be pleased, &c., &c., &c.

By authorization of the ministre le chancelier substituer ff. de vice-consul,

ALPHONSE J. VANDER VOO.

No. 4.

ON BOARD THE SÉMIBAMIS,

Yokohama Roads, August 13, 1863.

(Naval division, China seas.)

MONSIEUR LE MINISTRE: I have the honor to acknowledge the receipt of your letter dated the 12th instant, and of the letter of the consul of the United States, which you enclosed to me.

I was informed that in the evening of the 9th instant an American sailor, having in the grossest manner insulted two French officers in uniform, was arrested under their orders and taken immediately to the nearest guard-house. As soon as this became known to the authority on shore, and an American officer presenting himself to claim the sailor, steps were taken to have him at once delivered to his superiors.

Be pleased to accept, Monsieur le Ministre, the assurance of my high consideration.

The rear-admiral commanding-in-chief the naval division in the China and Japan seas,

C. JAURES.

The MINISTER OF FRANCE *in Japan.*

No. 5.

CONSULATE OF THE UNITED STATES OF AMERICA,
Kanagawa, Japan, August 18, 1864.

SIR: I beg herewith to enclose to you copy of a communication, under date of the 17th instant, received by me from Captain Price, of the United States ship-of-war Jamestown, in relation to the imprisonment of Quartermaster West, of said ship, by order of two French officers, and to call your excellency's particular attention to the same.

I shall be happy to know that this matter is amicably and speedily adjusted in that spirit of friendship and just understanding which has hitherto characterized the relations between his Imperial Majesty's marine and that of the government I have the honor to serve and represent in this port and its dependencies.

I have the honor to be, very respectfully, your excellency's obedient, humble servant,

GEORGE S. FISHER,
United States Consul.

His Excellency M. DU CHESNE DE BRILLECOURT,
*His Imperial Majesty's Minister Plenipotentiary
 and Consul General in Japan.*

No. 6.

LEGATION AND CONSULATE GENERAL OF FRANCE IN JAPAN,
Yokohama, August 19, 1863.

(Consular service.)

SIR: The minister of France has authorized me to reply to your letter No. 95.

It is not within my province to take consular action in this matter, inasmuch as it belongs to the special jurisdiction of the naval and military authorities of our respective countries. As it is, moreover, presented in an international point of view, it became necessary, though in all probability the competent naval authorities would have treated the matter in a most desirable spirit of good understanding, that it be presented in diplomatic course to the imperial legation by his excellency the minister of the United States himself. I have, therefore, the honor to transmit herewith the letter which you did me the honor to write to me on the 18th instant, as my legal incapacity prevents me from taking consular action in the matter in question.

Please accept, sir, the assurance of my high consideration,

ALPHONSE J. VANDER VOO,

The Acting Vice-Consul of France at Yokohama.

Colonel GEORGE S. FISHER,
United States Consul, Yokohama.

No. 7.

LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, March 22, 1864.

SIR: I regret that your excellency has not been able to view the arrest of the quartermaster of the Jamestown in the light in which I had the honor to present it to your excellency, and in the hope that a further consideration of the case may enable you to express such regret for the occurrence I deem proper, I again call your attention to the principles which govern the case.

1st. The arrest was made by orders of officers not on duty as officers of any guard, but who were walking in the streets of Yokohama, in pursuit of ordinary business or pleasure.

2d. The alleged offence of the quartermaster was making use of insulting language. There was no such breach of the peace committed as then endangered, or was likely to endanger, life or occasion bodily harm or injury. As the arrest could only be for the purpose of having the offender tried and punished, and the court of the United States consul was the only competent civil tribunal for that purpose, the officers of his Imperial Majesty should have taken the proper steps to identify him when he declared he was a petty officer in the United States navy, which, in this case, was very easy, in consequence of his French descent and his fluent use of the language, which indeed caused them at first to insist he was a French subject.

3d. No officer or citizen of the United States could have arrested him except on proper warrant, and no greater right can be accorded to a subject of his Imperial Majesty.

4th. If arrested, he should have been taken to the United States consul, whose flag was then in sight at a point nearer to the scene than the French guard-house, to which he was taken and where he was confined.

5th. This case undoubtedly led to the issue of the order of Rear-Admiral Jaures the next day, providing that in all cases of arrest by the French guard of any person not a French subject the party arrested should be taken to the consul of the nationality to which he belonged.

Your excellency is about retiring from your post as minister plenipotentiary of his Imperial Majesty in Japan. It affords me great pleasure, in the review of our personal and official intercourse, that it has been uninterruptedly pleasant and cordial, and I desire that our official relations shall terminate without any case being left undisposed of to our mutual satisfaction. I therefore simply ask that the principles of Admiral Jaures's order shall be applied to this case, and that your excellency shall express your regret that the arrest has been made, and that the quartermaster was confined in the French guard-house.

Should your excellency be unable to do this, you will oblige me by furnishing me with the names of the officers who ordered the arrest, that I may make them known to my government.

I have the honor to be your excellency's most obedient, humble servant,

ROBERT H. PRUYN,

Minister Resident of the United States in Japan.

His Excellency DU CHESNE DE BELLECOURT,

Minister Plenipotentiary of France in Japan.

No. 8.

[Translation.]

LEGATION AND CONSULATE GENERAL OF FRANCE IN JAPAN,
Yokohama, March 28, 1864.

SIR: When your excellency did me the honor, about six months ago, to speak to me about the temporary arrest of Quartermaster West, of the Jamestown, effected by orders of French officers, whom the sailor had grossly insulted, and in the French language, in the main street of Yokohama, and in the presence even of French soldiers, the subordinates of those officers, I hastened to furnish your excellency with all the explanation it was in my power to give. I communicated to you the reply of Rear-Admiral Jaures to the communication which I had made him of the demand of the consul of the United States on his behalf, in which reply Admiral Jaures states why the arrest was made, (rudeness in public towards two of his officers,) while he also shows his respect for international privileges, as orders have been given to have the foreigner

immediately delivered to his own authorities as soon as claimed by them, which implies that the arrest could not be regarded as a punishment, but only as a pressing measure of prevention.

I have, moreover, proved already to your excellency that in this case my legal capacity must give way to that of the military authority, giving it as my opinion that this authority had acted in a rightful and proper manner, while for myself I believed on that occasion to have satisfied all international requirements, inasmuch as finding myself by accident, during a walk on the evening of the occurrence, (it was 6 o'clock, the arrest had taken place at half past 4 o'clock,) in the neighborhood of the residence of the consul of the United States, and having met that functionary and learned from him what had taken place, I at once dismounted to go to the consulate and join an American officer of the Jamestown who was there, and to guide him myself in his proceedings with the competent officers in order to bring the requisite formalities for the discharge of the offender to a speedy issue. My presence was useful, as the officer who made the claim was not in uniform; a correspondence in writing would probably have led to some more delay in the delivery of the person arrested.

I am not prepared to enter with your excellency upon a full discussion as to the degree of culpability of the offensive acts which have caused the measure taken by the French officers on the 9th of August, inasmuch as my legal incapacity in this case has prevented me from obtaining other data for discussion than those furnished me by the Admiral Jaures, who alone has had to examine and estimate the facts.

And as for that part of your excellency's argument which establishes that the arrest could be made only in order to procure the repression of the act under accusation before the competent authorities, I find myself, and so did the French admiral, as shown by the orders given to deliver the person arrested immediately to his authorities as soon as claimed by them, in perfect harmony with the principles of international law to which your excellency refers. There is no doubt that, in view of those principles, Quartermaster West, as soon as the report on his conduct was made out and read, would have been taken in the evening on board of the Jamestown either with an officer or with a letter explaining to the commander of that ship the motives of the arrest. My personal intervention may have shortened some delays, and led to the immediate delivery of this person to the officer of the Jamestown, who claimed him and received him with all the necessary verbal explanations of the reasons of his temporary arrest.

Your excellency states, in the second part of the second paragraph of your letter, that the French officers should have assured themselves of the identity of the individual who had insulted them when he declared that he was a sailor in the service of the United States, because this sailor, owing to his French descent, spoke the French language quite fluently.

I fear to enter too much upon the discussion of facts which it has not been within my legal capacity to estimate, but in order to reply, as far as lies in my power, and in courtesy to a colleague, to the arguments of your excellency, I shall venture here upon the expression of my personal opinion. I think from the nature of the occurrence that it was rather difficult to carry out the mode of proceeding indicated by your excellency in order to secure the cessation of a public insult. In fact, from the moment that offensive language was addressed to the French officers in French, in the presence even of several soldiers, the subordinates of those officers, those whom self-respect required to have that riotous noise stopped could not commence a public conversation with a man already excited, and who would probably have declined to comply with any demand or requisition. To commence such a conversation would have led to the aggravation of the improper conduct of Quartermaster West. The only measure to be taken, therefore, was the forcible removal of the person insulting, and placing him in safe-keeping until delivery to his own authorities, and I beg

to observe that your excellency yourself seems to admit an arrest in the 4th paragraph of your letter, when stating that it was to the consulate of the United States, and not to the French guard-house, that the delinquent should have been taken for trial.

As for that part of the argument relating to the place to which the delinquent should have been taken, I must observe that the officers who found themselves compelled to require this arrest from that moment, and according to regulations, became responsible towards their superior officers for the motives of their measure, they having no option whatever, as the military regulations prescribed to them the duty of sending to the nearest guard-house, and to no other place, and there to keep the person arrested, and to report immediately to their superior officers, who alone could indicate, in view of the position of the person arrested, what was to be done under the circumstances. And also, the person arrested being a foreign soldier or sailor, the French officers were very naturally inclined to believe that their superior officers would decide that this sailor was to be taken back to his military authorities. At all events, it was not for them to determine to what place the person arrested should be taken. Their duty was the observance of the regulation and to report immediately in course of rank, (*par voie hiérarchique*,) and this was done without any delay.

Following the argument of paragraph four of your excellency's letter, I must also remark that military officers under higher command are not allowed, according to regulations, to place themselves in matters of duty in direct communication with authorities not belonging to their department without first having been authorized to that effect. No officer, therefore, could take upon himself to appear without authority at a consulate or at a foreign legation, or even near the civil functionaries of his nationality, without incurring blame from his superiors. The military regulations thus require it, and no exception could be made than by the general order which the admiral commander-in-chief made known three days after the occurrence of the 9th August, directing the officers or sub-officers in command of the patrols to cause persons whom it became necessary to arrest to be taken, *as far as feasible*, to their respective consulates, and only with last resort to apply the usual regulation, which requires the preliminary confinement of any delinquent at the nearest military guard-house until claimed by his own authorities.

In a *flagrante delicto* case there is no diplomatic disrespect in the arrest of a foreigner as a precautionary measure; such disrespect only commences in case of abuse of power, or in case of refusal to return the person arrested to his own authorities.

The general order of Admiral Juares, of the 12th August, is an exceptional act of courtesy, giving proof of the profound respect of that general officer for international rights and privileges. But this general order did not exist on the 9th of August, and the French officers consequently, limited by their existing regulations, could not, it seems to me, have been bound by obligations which it was the object of that general order to prescribe to them for the future.

From what precedes, only the *necessity* of the arrest would be left as matter for discussion, and I come back, therefore, upon the second paragraph of the letter, which argues the unimportant nature of the insult, being one in language only, and not by acts or bodily harm likely to endanger life.

It seems to me that in every country any injurious act committed by a military person of low or no grade towards an officer in uniform, to whatever nationality he may belong, constitutes an act which deserves immediate repression. Generally, and in countries having an organized local police, the necessary restraint to stop a disturbance and prevent the aggravation of a misdemeanor may pertain to the duty as a sometimes special police; but in certain countries, where the local police has no action, other means have to be used as a matter of necessity, in order not to live in the midst of continual disorder, and thus, in China,

for instance, where, like in Japan at present, several nations keep military forces for the general security, the police forces, either civil or military, of several nationalities, take the place of the Chinese police; and it frequently happens that military foreigners, carried into excesses, find themselves arrested in case of public nuisance, by the way of prevention, to be handed over to their own judges on demand as speedily as possible, without any such cases ever giving rise to difficulties among the respective superior authorities.

Besides, the position, the honorable character, the age, and the rank of the French officers who found themselves obliged to take the measure of the 9th of August last, a measure which they submitted to their immediate superiors, and the explanations which the French admiral furnished upon taking cognizance of the facts, must be a sure guarantee for your excellency that Quartermaster West, whatever he may allege, has well deserved the measure of which he was the object by way of prevention.

I do not know whether the personal remarks I have made will convince your excellency that in the occurrence of the month of August none of the French authorities has for a moment thought of willingly slighting in any manner whatever the rights and privileges of independence of a foreign nationality by the measure in question, which unfortunately had become indispensable, there being only the provoker of that occurrence to blame for it.

I desire the more to have this conviction enter your excellency's mind, as by accepting these explanations you relieve me from the necessity of declining the two alternatives you propose to me.

Your excellency will readily comprehend that the act you mention not having been accomplished by persons submitted to my immediate jurisdiction, I can only convey all the explanations which may be useful in removing the question which appears to have arisen on this occasion without pronouncing upon the proceedings of another jurisdiction in any other manner than may serve to render the action of that jurisdiction in this instance of easy appreciation.

The second alternative proposed by your excellency could no more aid in the solution of the question in the diplomatic way, inasmuch as the officers who ordered the arrest of the person who insulted them have been covered by the responsibility of their immediate superiors.

Should, therefore, your excellency feel yourself obliged to submit the question to the government of the United States, the only names to appear in this international litigation would be those of Rear-Admiral Jaures, commanding in chief the land and naval forces in Japan, and mine, as the admiral has only called troops to Yokohama in virtue of a commission (*délégations*) received from me to that effect, a measure which has also met with the sanction of the Tycoon's government, and to which all the forces of the nations represented here have associated themselves in the most perfect harmony, in view of maintaining in common the order, tranquillity, and trade of this settlement.

Should this incident assume the proportions of an international incident, my departure from Japan would yet in no manner hamper the legitimate action of our respective governments, nor could it alter at all those cordial relations which have always been here of general benefit, and which, if not in Japan, we may, perchance, continue elsewhere.

I enclose herewith a copy of the letter of Admiral Jaures on the subject of the arrest of Quartermaster West.

I avail myself of this occasion to renew to you the assurance of the high consideration with which I have the honor to be your excellency's most obedient, humble servant,

DU CHESNE DE BELLECOURT,

*Minister Plenipotentiary of his Majesty
the Emperor of the French, in Japan.*

His Excellency Gen. R. H. PRUYN,
Minister of the United States in Japan.

Mr. Pruyn to Mr. Seward.

No. 45.]

LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, July 2, 1864.

SIR: I have now the honor to inform you that I have accepted of the Japanese government the sum of \$1,000 in full of the indemnity I demanded for George Horton, and enclose copies of my letter to the consul at Kanagawa and of his reply, enclosures Nos. 1 and 2, which will show the disposition made of it. The Japanese government would have taken Horton back to the Bonin islands rather than pay the sum of \$2,000, which I demanded, and as he was unwilling to go back, and he being 84 years of age, the sum will probably be sufficient to supply his wants as long as he is likely to live. I thought it best to accept the compromise proposed.

I would remark in this connexion that the Japanese colony has been withdrawn from the islands, as stated by governors for foreign affairs, though I have had no official notification of their abandonment.

When the demand for indemnity for the firing of the legation was presented, I was first met by the declaration that I had immediately after the fire declared my belief that it was entirely accidental.

Such was the construction they affected to put on my remark, that I desired, for my sake and for the sake of my government and of their government, to believe such to be the fact. As this conversation was held in advance of any investigation, the government knows it was simply impossible I would so commit myself.

In two subsequent interviews, what purported to be a Japanese version of a portion of my letter was produced, which represented me as saying that the President was satisfied the Japanese government had caused the legation to be destroyed. This was the construction they pretended to put upon that portion of my letter in which I quote your language. I refer to this that you may understand what I had in view when I addressed to the ministers for foreign affairs my letter of the 24th May last, (54,) copy of which I now enclose, No. 3, and which I wrote after I found they persisted in such construction, notwithstanding my verbal denial that there was any language used which would justify it. I also enclose, No. 4, copy of the answer of the ministers for foreign affairs, and, No. 5, copy of my reply, and also No. 6, copy of a letter which I transmitted after the receipt of your No. 63, of the 18th March last.

A few days after, two assistant ministers for foreign affairs waited upon my colleagues and myself on business connected with our note identique. At the close of the conference with myself several governors for foreign affairs remained in the room, and stated they had been ordered by the vice-ministers to make a communication to me. They proceeded to say that the government had been surprised at my letter of the 11th June, (enclosure No. 5, above mentioned.) I said I had reason to be surprised at their summary rejection of my proposal for further friendly efforts to arrive at a settlement. To this they replied that the letter to me had assented to such conference, and that they had been appointed to meet me for that purpose. I told them I was glad to hear this, though the letter of the ministers was precisely the reverse of what they stated it to be. They said there must be some error in the translation; and though I offered to send for the letter to show its true character, they said it was unnecessary, as they had a copy at Yedo.

The hour of 10 p. m. having arrived, I said it was too late to enter upon the subject then, and that I was willing to meet them next day. They replied that they would report to the Gorogio what I had said, and see me on some subsequent day.

There is a manifest desire on the part of the government to delay as long as possible any settlement. I have determined to proceed to Yedo to defeat such design, and will in another communication make known the result. The proposition has thrown the government into a state of excitement and even of consternation, particularly as I propose to land a guard from the Jamestown, in view of their official declaration that they cannot guarantee my safety.

I hope soon to bring the government to terms.

I now enclose papers upon which the claims for indemnity to citizens of the United States at this place are founded, as follows: Nos. 7, 8, 9, 10, and 11. I have long since made known their substance to you, but have thought it well to place copies of these papers on file in the department.

The claims presented are unanswerably just. The Japanese government have failed to give a satisfactory answer and to exonerate itself from blame. The letter of the ministers, the attitude of the government, and the events of the past year, combine to make it still more impossible for them to do so.

I have the honor to be, sir, very respectfully, your most obedient servant,
ROBERT H. PRUYN,

Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

No. 1.

LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, June 6, 1864.

SIR: You will please receive of the Japanese government the sum of one thousand Mexican dollars, paid on my demand, as an indemnity for George Horton, an aged seaman of the United States.

As he is more than 84 years of age, I suppose that in all human probability the above sum, carefully husbanded, may suffice for his future support, without making him a burden on the United States government.

You will, therefore, place the same safely at interest, so as to produce at least 12 per cent. per annum, and appropriate the interest and so much of the principal as from time to time may be necessary for his support. I shall advise Horton that he will be allowed, by will or other instrument in writing, to indicate the disposition of any balance which may remain at the time of his death, after paying the expenses of his funeral.

I am, sir, your most obedient servant,

ROBERT H. PRUYN,
Minister Resident in Japan.

Col. GEORGE S. FISHER,
United States Consul, Yokohama

No. 2.

CONSULATE OF THE UNITED STATES OF AMERICA,
Kanagawa, June 11, 1864.

SIR: Your communication, No. 64, is received, also the sum of one thousand (\$1,000) dollars from the Japanese government for the George Horton indemnification, which will be loaned by me at 12 per centum per annum, less the advances made by me for the last six months.

I have the honor to be, very respectfully, your obedient servant,

GEORGE S. FISHER,
United States Consul.

His Excellency ROBERT H. PRUYN,
U. S. Minister Resident in Japan.

[Telegram.]

Mr. Pruyn to Mr. Seward.

No. 46.]

LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, July 6, 1864.

SIR: At a joint meeting of the ministers of the treaty powers, held yesterday, it was determined, on the failure of the government within 20 days to do so, to open the inland sea, now closed, even to Japanese commerce with Nagasaki, by Nagato.

The British will have 15 ships-of-war, the Dutch 4, and the French 3, the United States only the Jamestown.

I most respectfully ask for steamers, which, though they will not arrive in time for these movements, may and probably will be necessary for the protection of commercial interests.

Respectfully, your obedient servant,

ROBERT H. PRUYN,
Minister Resident in Japan.

HON WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Pruyn to Mr. Seward.

No. 49.]

LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, August 8, 1864.

SIR: I have the honor to inform you that the American steamer Monitor, on the 19th July, entered one of the ports of the Prince of Choshu, on the western coast of the province of Nagato, and was fired at by one of his batteries.

The letter of the United States consul at Nagasaki and the protest of the officers of the steamer sufficiently set forth the facts.

I received the copies of the letters while at Yedo, and immediately had a conference with governors for foreign affairs sent to me for that purpose by the ministers. The original letters in the overland mail despatched by the governor of Nagasaki did not reach me till the evening before my departure from Yedo. The Japanese governors very properly asked me to wait till they had received letters from the governor of Nagasaki, before entering further into the consideration of the subject, engaging, however, to make a speedy and satisfactory settlement of the matter.

I made no claim, nor do I feel disposed to make any in favor of the owners of the vessel, one of whom was on board at the time.

While I have no reason to distrust the truth of the declarations that they were destitute of coal, and that they were obliged to go into the harbor, I cannot forget that while here in 1863 the same vessel entered a port in the territories of Satsuma; and it would be unwise to encourage owners of vessels brought to this country for sale to enter the ports of hostile Daimios, or any ports not open to trade.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,
Minister Resident in Japan.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington.

No. 54.]

LEGATION OF THE UNITED STATES IN JAPAN,

Kanagawa, May 24, 1864.

In two interviews which I have had with the governors for foreign affairs, Takemoto Hayato-no-kami and Takemoto Kai-no-kami, my attention has been called to the Japanese version of that portion of my letter presenting the demands my government has instructed me to make on the government of his Majesty the Tycoon, which relates to the destruction by fire of the legation buildings at Yedo.

I have the honor to say that the translation as explained by these governors is entirely inaccurate; and I now reiterate the views of the President, in order to remove any unpleasantness which may have been occasioned by such mistake. The President does not impute to the Japanese government any complicity in that destruction at the time of its occurrence, or any knowledge that it was to be effected; but he does believe that the same hostile feelings which occasioned the destruction of the British legation at Goten Yama, the murder of the guards at the British legation at Tosenji, and which in June, according to the declaration of the government of his Majesty the Tycoon, prompted the assemblage of Lronins at Yedo for the purpose of attacking the American minister at his temporary residence, effected the destruction of the legation buildings, a week before the latter conspiracy, and he thinks that this should have been foreseen and prevented by the government.

Your excellencies will perceive that such a conclusion, while not unreasonable in itself, does no injustice and imputes no wrong to the Japanese government.

But, while the Japanese government is not censured for these acts, it is proper that it should indemnify the government of the United States for a loss sustained, while its minister was reposing on the fidelity and vigilance of Japanese guards. And whether the fire was occasioned by the guilt of one or more of the guards conniving with the hostile party, as was the case at Tosenji, or by their want of vigilance, the claim is equally just. Nor is it less just if the views of the government be correct and the fire took place accidentally.

Your excellencies will bear in mind that the American minister had no foreign guards. The fire originated in one of the guards' houses or in the kitchen adjoining it, which of the two the undersigned does not know; nor is it material, as none of his private Japanese servants were there at the time. If the fire was accidental it arose on the premises, and the Japanese government should make good the loss sustained by the acts or carelessness of its own agents.

The undersigned makes these remarks in the sincere hope that the government of his Majesty the Tycoon will see their way clear to pay at once the indemnity asked, as it can do so with perfect honor.

If your excellencies will cause the same governors to have another interview with me I hope we can arrive at an amicable settlement. It would be a shame if this could not be done by two nations, both of whom must be desirous of acting justly. The United States will never ask of Japan what it would not be prepared to grant under similar circumstances.

With respect and esteem,

ROBERT H. PRUYN,

Minister Resident of the United States in Japan.

Their Excellencies the MINISTERS

FOR FOREIGN AFFAIRS, &c., &c., &c., *Yedo.*

We received your letter No. 54, dated the 24th May, and understand all you stated in relation to the fire at Drenf-Kujee.

As your excellency, according to your letter, wishes to confer in a friendly manner with Takemoto Hayato-no-kami and Takemoto Kai-no-kami on this subject, we would send them to you, but in your letter it is mentioned that it is uncertain whether the fire originated in the guard-house or in the kitchen adjoining it.

Through Ogasawara Setti-no-kami we already gave you full information on the subject, and you have also well understood that the fire originated in the kitchen; and while informing your government of the faithful manner in which the officers on duty acquitted themselves, you stated, nevertheless, that you wanted to know all the circumstances fully. We held a strict investigation and informed you of the result in writing. Wherefore we believed that you fully understood it all. Afterwards you stated, however, that you had a communication to make to us. Wherefore we sent Hayato-no-kami and Kai-no-kami to you, who on several occasions conferred with you on the subject, and it cannot now be admitted by us what you stated, as the place where the fire originated is not known with certainty. It is desirable, therefore, that you will take this into consideration in connexion with your former impression.

Which we have to state in reply, with respect and esteem.

The seventh day of the fifth month of the first year of Genji, (10th June, 1864.)

ITAKURA SUWO-NO-KAMI.
INOWUYE KANATRI-NO-KAMI.
MAKINO BIDREN-NO-KAMI.

His Excellency ROBERT H. PRUYN,
Minister Resident of the United States of America, &c., &c., &c.

No. 65.]

LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, June 11, 1864,

I have to acknowledge the receipt of your excellencies' letter of the 7th day of the 5th month, and to say, in reply, that it is entirely unsatisfactory, and that I regard it as a final rejection of the claims I have been instructed to make by order of the President, both for the burning of the legation and the outrages at this place on American citizens.

I have only now to notify the government of his Majesty the Tycoon that the government of the United States have a right to demand of the Japanese government, and will demand, the payment of all expenses to which it will now be subjected in enforcing these demands by reason of such refusal.

With respect and esteem,

ROBERT H. PRUYN,
Minister Resident of the United States in Japan.

Their Excellencies the MINISTERS
FOR FOREIGN AFFAIRS, &c., &c., &c., *Yedo.*

No. 67.]

LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, June 18, 1864.

I had the honor by last mail to receive a letter from the honorable William H. Seward, Secretary of State of the United States, in which he made known to me the approval of the President of the United States of the manner in

which I had carried out his instructions in presenting the demands on the government of his Majesty the Tycoon.

While approving of the manner in which I had presented these claims to your excellencies, in my letter No. 136, of the 21st December, 1863, the Secretary of State says that the President hopes, and indeed confidently expects, that these claims have already been complied with by the Japanese government.

In proportion to the confidence with which such amicable settlement was relied on will now be the sorrow with which the President will learn that your excellencies are so little inclined to reciprocate his friendly feelings as to have rejected, without even a word of regret or excuse, my suggestions for further conferences, through which I confidently hoped and believed an amicable understanding would result.

I will at least have the satisfaction of knowing that the relations of the two countries have not been disturbed by my unwillingness to consider patiently and calmly the questions at issue, nor by my failure to show all the forbearance towards the government of his Majesty the Tycoon, in the difficult position it now occupies, which is consistent with my duty to my government in maintaining its treaty rights.

With respect and esteem,

ROBERT H. PRUYN,

Minister Resident of the United States in Japan.

Their Excellencies the MINISTERS

FOR FOREIGN AFFAIRS, &c., &c., &c., *Yedo.*

YOKOHAMA, *May 6, 1863.*

SIR: I beg to inform you that this morning six or seven Japanese entered my dwelling-house and attacked me while dressing. They robbed me of my watch and jewelry about my person, and carried me down into the swamps behind my house, with the intention, as I thought, of killing me, but I was rescued by the presence of Mr. Allmand and Captain Walsh, together with several of the English guards stationed at the new consulate. Thinking myself no longer safe, I have abandoned the house to the Japanese government.

Yours faithfully,

S. ROBERTSON.

GEO. S. FISHER, Esq., *United States Consul.*

CONSULATE OF THE UNITED STATES OF AMERICA,

Kanagawa, Japan, May 12, 1863.

Be it remembered, that on the day and date above mentioned personally came before me the undersigned, S. Robertson, who, being duly sworn, on his oath deposes and says, that on the morning of the 6th instant, between the hours of 9 and 10 o'clock, six or seven Japanese men, headed by a merchant named San-oriah, entered in and upon his premises, and into his dwelling-house, and then and there, while he was dressing, by force of arms, seized, took and carried the said Robertson out of his house, and violently, forcibly, and against his will and consent, abducted and carried him away, and were proceeding with him, by the back way of his lot, towards what is called the swamp or low ground, in the rear of the foreign settlement, as he believes, to drown or kill him; that while doing this, his arms were pinioned and bruised, and he was

violently choked by the said abductors, and at the same time one man walked behind him, holding over his head a double-headed barbed hook, such as the Japanese police use in catching thieves and other felons. And affiant further says that he knows no cause for any such proceeding, and that no authority whatever existed for, or could be or was pretended to be shown, for such high-handed outrage upon his person.

Affiant further states, that when near to the British consulate and new jail buildings his cries attracted the British guard there stationed, when Sergeant Simeon Lawrence and two privates, of her Britannic Majesty's 61st foot, Lieutenant Price commanding, came to his relief and rescue. About the same time, also, Mr. John Allmand, an American citizen, and Captain Walsh, also an American citizen, arrived and assisted him, the said Japanese escaping and running away.

Affiant further swears, that on his return to his house he found his watch and chain, worth seventy-five (\$75) dollars, his sleeve buttons, worth seven (\$7) to ten (\$10) dollars, and seven (\$7) dollars in Mexicans, taken from his pockets and person. Also, that all his household servants, being frightened, had left and gone to parts unknown, and not one of whom has yet returned.

Affiant further says, that the only cause of difference that could exist between the said leader, San-o-riah, and himself was, so far as he is aware, in relation to a small mercantile balance of, perhaps, thirty (\$30) to forty (\$40) dollars on a running account, unadjusted and unsettled, and which, when settled and agreed upon, he was ready on demand to pay.

Affiant further swears, that no demand was made upon him for any sum of money whatever, and that this gross and unwarrantable violence, assault, and abduction were an outrage upon his person and rights, sacredly guaranteed to him, under and by virtue of the existing treaties between the United States of America and Japan.

S. ROBERTSON.

Subscribed and sworn to as above stated.

GEO. S. FISHER,
United States Consul.

BRITISH CONSULATE,
Kanagawa, Japan, May 14, 1863.

On this day and year above written, before me, the undersigned, her Britannic Majesty's consul for Kanagawa, Japan, personally came Sergeant Simeon Lawrence, of her Majesty's 67th regiment, who being by me duly sworn, on his oath deposes and says, that on the morning of the 6th instant he heard cries and shouts of a man, and going out from the station, the British new consular buildings and jail, he saw a crowd of he thinks near a dozen Japanese around a foreigner, who was found to be an American citizen, Mr. S. Robertson; that said Japanese were forcibly taking and carrying him away; that with two men he proceeded and rescued Mr. Robertson; that when he did so, Mr. Robertson's shirt was torn and hanging down around his legs, and he had no coat, vest, or hat on, and one of the Japanese had holding over him an iron hook, or hatchet-like instrument; that a part of the Japanese ran away, but no arrests were made, as Mr. Robertson knew the men, and said he would make complaint, and have an officer make the necessary arrests through the American consul.

SIMEON LAWRENCE.

Subscribed and sworn to before me, the day and year above written.

CHARLES A. WINCHESTER,
Her Britannic Majesty's Consul.

CONSULATE OF THE UNITED STATES OF AMERICA,
Kanagawa, Japan, May 14, 1863.

On this day and year above written personally appeared before me John Allmand, an American citizen, who, having duly sworn on his oath, deposes and says that on the 6th instant, between the hours of nine and ten o'clock a. m., hearing the cries of a man in distress, he immediately ran out of his house, No. 93, and in the rear could just see a man being carried away by several Japanese; that he followed to render such relief as possible, and was accompanied by Captain Walsh, late of the American bark Rover; and that as soon as he had reached the street he saw it was Mr. S. Robertson, and that just then three men of her Britannic Majesty's 67th regiment had reached Mr. Robertson; also Mr. Corus, of Aspenall, Corus & Co., he believes; and altogether they rescued Mr. Robertson; that Mr. Robertson appeared greatly distressed, and had only his shirt and pantaloons on, the former garment all torn and dangling round his legs; also that he had no hat on, and appeared badly frightened, and said he believed he was going to be killed. Affiant further swears that they let the Japanese go, those that did not run away, as he and Mr. Robertson knew the leaders, and they saw a large crowd gathering near, undoubtedly intending to reattack Mr. Robertson or to rescue such of the abductors as we might attempt to secure. Affiant also believed them too poorly armed to resist an attack from the Japanese in such force as seemed to be gathering. Affiant further swears that about 4½ p. m. the same day, on the main street of Yokohama, and within five minutes after meeting, the United States consul related this fact to him, viz: that the leader, San-o-riah, he, this affiant, had just met on the street, notwithstanding, as he heard from the consul, that the governor had said the said San-o-riah was in custody and should be retained until a fair hearing of Mr. Robertson could be had; that this affiant could not be mistaken in his identity. Mr. Allmand further swears that within the past three days he has twice met the same man on the public street in Yokohama unattended by any officer or person whatever on either of said occasions.

JNO. ALLMAND, JR.

Subscribed and sworn to before me on the 21st day of May, A. D. 1863.

GEO. S. FISHER,
United States Consul.

Richard B. Smith also swears that he has seen and recognized the said San-o-riah on the public streets in said Yokohama, unattended by any person or officer, since the above affair, on three several occasions.

R. B. SMITH.

Subscribed and sworn to before me on the 21st day of May, 1863.

GEO. S. FISHER,
United States Consul.

CONSULATE OF THE UNITED STATES OF AMERICA,
Kanagawa, Japan, May 13, 1863.

On this day and year above written personally appeared before me the undersigned, Raphael Schoyer, who being by me duly sworn, on his oath doth depose and say that on the morning of the 6th instant, between the hours of seven and eight o'clock, a large party of Japanese coolies, carpenters, and other laboring men, numbering not less than one hundred to one hundred and

twenty-five men, came to and surrounded his house, and entered his yard and halls, filling the same, and in a riotous, loud, and violent manner demanded of him the payment of eleven hundred (1,100) itzibus, immediately threatening his person and property unless their demand was complied with; that they claimed said sum for work and labor done, and materials furnished, for buildings then in the course of construction by this affiant; that this affiant then and there remonstrated with and warned the leaders that they were doing wrong; that by his agreement he owed them nothing; that they then consulted and reduced their claim to three hundred (300) itzibus; that this affiant still declined payment, but said to them "There is my money," pointing to his safe, "and if you mean to rob me take the money; you are the strongest—I am weak;" that the said leaders then insisted on the payment of the said last sum, and this affiant, under their threats and to save the life of his wife, self, and property, then paid the said three hundred (300) itzibus as demanded. That this affiant believes, had he not have complied with this demand, his wife and son in the adjoining room, as well as himself and his house and property, would have been in the greatest peril, if not totally destroyed.

Affiant further swears that he was in truth and in fact not indebted to these men; that he paid his laborers and carpenters every night, and that the whole attack was unprovoked by him and without any real cause whatever, and an outrage upon his person, his property, and his sacred rights as a citizen of the United States, by virtue of the treaty between the United States of America and Japan.

R. SCHOYER.

Subscribed and sworn to as above stated.

GEO. S. FISHER,
United States Consul.



CONSULATE OF THE UNITED STATES OF AMERICA,
Kanagawa, Japan, May 13, 1863.

On this day and year above written personally appeared before me, the undersigned, John O. P. Stearns, who, being first duly sworn, deposes and says, that on the morning of the 5th instant, between the hours of 7 and 8 o'clock, a large number of Japanese coolies and laborers, numbering from 125 to 150, came into his enclosure and compound, and, with threats of violence and destruction, and loud and unusual noises, expressed their intention to tear down the garden fences and house; that immediately his household servants came to and awakened him with the above intelligence, and to leave, or he would be killed; that he then hurriedly arose, and taking his double-barrelled fowling-piece proceeded to the door of his house and warned them to leave; that at once they set up loud shouts of derision and threats, and with brandished poles and clubs refused to leave; that this affiant then went out to reason with or drive them away, holding in his left hand his gun, not offering or intending to use the same except in self-defence; that on approaching the ringleader, a man to whom he was indebted in a balance of \$110 for work and labor done, and whom he had never refused to pay, his gun was knocked out of his hand, he himself was knocked down by a violent blow on the head, and then and there kicked, bruised, and trampled upon, and would, in all human probability, and he believes, have been immediately killed but for the intervention and faithfulness of his domestics, who at once flew to his rescue, and who, by united and powerful efforts, succeeded in rescuing him and getting him into his house again, seriously but not dangerously wounded.

Affiant further says, that, by the warning and threats then made, his servants left his house and employ, and have not since returned, and he believes dare not

return; and further, that it is dangerous for him to remain in his said house alone, and that he cannot do so without his said servants; and that this gross and unprovoked assault and violence upon him was without just cause, and an outrage upon his person and property under and by virtue of treaty and other rights existing between the United States of America and Japan.

JOHN O. P. STEARNS.

Subscribed and sworn to as above stated.

GEORGE S. FISHER,
United States Consul.

YOKOHAMA, *June 1, 1863.*

SIR: Your excellency has already been informed of the circumstances and facts concerning the late brutal attack upon my person by a number of Japanese subjects, headed by a merchant named San-o-riah.

I now avail myself of this opportunity to acquaint your excellency that the said merchant is still within the settlement, and yesterday I met him in the streets of the foreign quarter.

The Japanese authorities, apparently, have taken no cognizance of the matter, which may induce the man to make a similar attempt, which might compel me to resort to such measures, in self-defence, as would be serious, and which I would wish to avoid. I am confirmed in this belief, as I have been informed by an English gentleman that he met this San-o-riah near the gate of my residence, and he (San-o-riah) told him that he was there for the purpose of waylaying me. This fact can be substantiated by the deposition of this English gentleman.

If this outrage is allowed to pass unnoticed by the Japanese authorities, it appears to me that other Japanese may be tempted to make similar attacks upon foreigners resident at this port.

This communication is respectfully submitted for your excellency's consideration.

Your obedient and humble servant,

S. ROBERTSON.

Hon. ROBERT H. PRUYN,
United States Minister Resident in Japan.

We recently replied to your letter, No. 136, of December 21, and as we then stated, in regard to the matters relating to Yokohama, referred to in that reply, we instructed the governors of Kanagawa to make a full statement on the subject.

As for the time at which the governors came to the custom-house, and the absence during the disturbance which took place at Yokohama, this was for necessary reasons, and your excellency has not well understood this; hence your mistake in our opinion, as you omitted fully to ascertain this.

And as for Robertson and the two other persons, the governors know fully well all that relates thereto, and we have learned it from them from the beginning to end. Taking into consideration all that your excellency and the governors have said on that subject, it is suspected that there must be some difference in the manner of representing between the governors and the consul.

We have, therefore, again instructed the governors to come to an understanding on the facts, and request your excellency to cause the consul again to confer with them on the subject. In this manner the circumstances of these matters

will become clear and evident, and your doubt will be removed. And for the purpose of further consideration we transmit herewith abstract of the statement made to us by the governors.

With respect and esteem.

The — day of the first month of the fourth year of Bunkiu, (February, 1864.)

ITAKURA SUWO-NO-KAMI.

INOWUYE KAWATRI-NO-KAMI.

MAKINO BIDGEN-NO-KAMI.

His Excellency ROBERT H. PRUYN,

Minister Resident of the United States of America, &c., &c., &c.

(This letter, with enclosure, was received on the 15th of February, 1864.)

Abstract from a letter of the governors of Kanagawa.

We have read the translation of the letter of the American minister relating to Kanagawa matters.

The governors of Kanagawa usually come to the custom-house at 10 o'clock; but when Asano Ega-no-kami was governor he had no colleagues, being the only governor here, and he had personally to examine civil and criminal cases, passing sentence, &c., at his official residence, which delayed his appearance at the custom-house until after 12 o'clock.

The minister has not taken into consideration the circumstances under which the disturbance in Yokohama arose and public feeling was tranquillized, wherefore it is unnecessary for us to write again on that subject.

Having fully examined all that relates to two Americans, Robertson and Stearns, and another foreigner called Scoyer, (but there is no foreigner of the name of Scoyer, though there is, we heard, an American merchant of some such name,) we now state as follows:

Upon receiving the statement of the American consul that some persons had violently demanded the payment of a debt of the American merchant, Robertson; had forcibly carried him off, beaten him, and robbed him of his watch, the jewelry about his person, clothes, dollars, and other things, we made inquiry, and found that Naorke, a servant of Suihatshiro, living in Momatshi, Fifth street, Yokohama, had sold to Robertson, in the eighth month of last year, (October, 1862,) bocurio (article of food) and sea-weed, receiving two hundred dollars from him on account. When Naorke afterwards applied for the balance due, Robertson wanted to buy potatoes and shark fins, upon delivery of which he would pay up on both accounts. Naorke delivered the merchandise desired, but received only one hundred dollars. After repeated applications for the balance, Robertson paid one hundred dollars in the first month of this year, (February, 1863;) but there remained a balance of something over \$422 50, and though repeatedly applied to for the balance, yet Robertson did not pay.

During the third month of the year (April, 1863) the disturbance arose in Yokohama, and the owners of the goods, who had delivered them to Naorke on trust, strongly urged him to pay them; but he could not satisfy them, and was compelled on the ninth day of the month to take them with him to Robertson, who did not pay his debt. But Robertson became angry, was very uncivil to them, and, moreover, kicked Naorke down. Naorke, however, caught the foot of Robertson and upset him. Robertson got up and threatened to take a pistol from his bed, at which moment Naorke, with the owners, took hold of Robertson. As in front the houses of the foreign merchants line the streets, they took him out through the rear of his house into the street, Otamatshi, leading to the custom-house. When back of the house of the American merchant, Wartman,

(Allmand,) Robertson cried out loud, and Allmand came out at once, and with the request that Robertson be delivered up to him, they complied, and went home.

The foregoing was stated to us by Naorke and the owners of the goods, and we have again examined them and asked if they had beaten Robertson, and stolen his watch, jewelry, and dollars, upon which they replied they had committed no such crime, but that no doubt Robertson would like to fasten crime upon them, and they hoped that we would advise Robertson to pay the debt due them.

Asano Ega-no-kami then said to the consul that Robertson should at all events pay his debt, and he would then suitably punish Naorke and the owners of the goods according to our laws, expecting from the consul that he would properly punish Robertson for what he had done. Afterwards, at the interview on the 19th of the fourth month between Ega-no-kami and the minister and consul, they insisted that Robertson had not kicked Naorke down, and they would write to their government about the punishment of Naorke if not punished to their entire satisfaction. But it is impossible, on application of the minister, to alter our criminal laws, which was fully stated.

The letter of the consul was answered with the same statement as that made at the conference, and since our reply, dated the 23d day of the ninth month, nothing further has been said on the same subject.

According to the statement of the American consul, Japanese coolies have violently claimed the payment of a debt from Stearns, an American merchant, beaten him, and broken his musket; but from strict investigation it appears that Sakitshi, a coolie master, living in the village of Tshikawamura, had fulfilled his contract for levelling the lot of Stearns in the rear of the house, for which work \$150 was to be paid, he having received forty dollars in advance.

The contract was fulfilled, and the balance due him claimed, but under various pretexts no satisfaction was given. During the third month the town was in confusion, and public feeling much unsettled, and the coolies clamored for their wages, and on the 13th day of that month he was compelled to go with them to Stearns's house and claim the payment of the debt. But Stearns became angry, and levelled his musket with intent to shoot them, and, as a matter of course, Sakitshi took the musket from him and broke it. At that moment the servant and the groom of Stearns intervened, desired them to be quiet, declaring that they would see to the debt of Stearns being paid in full. Sakitshi trusted in that declaration, and withdrew with his coolies. On the same day Osano Ega-no-kami looked into the matter; but it was only on the 19th day that the American consul proposed that the broken musket should be paid for, to which Asano replied that it could not be paid according to the laws, and this Sakitshi could not be punished according to law unless Stearns first paid the balance of \$110 due from him. The consul agreed to this, promising to pay that amount on the 20th day.

Afterwards, at the interview with the said consul on the 29th day of the fourth month, Asano asked about the payment, and why it had not yet been made; but though the consul had before assured that he would cause Stearns to pay that debt, he then covered the matter, because Stearns had said that, in view of the breaking of the musket, it was difficult to pay that money. He then returned to his residence, and we heard nothing further on the subject.

That at the house of Schoyer, an American merchant, many Japanese had collected to violently claim money due from him, and had taken three hundred itsibus from him, was made known to us by the said consul. Wherefore, investigating this, we came to the result as follows:

Tatogoro, a builder, residing in the first street of Otamatshi, in the ninth month of last year, agreed to build the house of Schoyer on condition that wages were to be paid daily, and there was no contract in writing. Owing to Tatro-

goro being confined to his house by illness since the spring, and being much worse during the third month, the wages due accumulated to 137½ rios, (550 itsibus.) The men got no money, Tatogoro's illness preventing him from asking for it. The town then being in confusion, all the men claimed their wages. From and under such pressure he came with all the workmen to Schoyer's house, claimed the money, and received 75 rios, (300 itsibus,) thinking to receive the balance at some other time.

We suspected that many of these workmen coming to Schoyer might have made free to help themselves to money, and carefully investigating this, he said that no such thing was done; but Schoyer, fearing the crowd, gave him part of the sum due, and did so in view of the many assembled, though no violent language was used.

Our officers communicated the foregoing to the consul, but we heard nothing further on the subject. All these matters shall be taken up separately when he will bring them before us; and we are awaiting your further instructions. In the letter received from you it is mentioned that one of the guilty persons has been sentenced to take charge of the sewerage of this town, but this is not so.

Mr. Pruyn to Mr. Seward.

No. 50.]

LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, August 10, 1864.

SIR: I have the honor to enclose, No. 1, a copy of the translation of the letter of the Gorogio in answer to the note *identique* addressed to them on the 30th of May last, of which I enclosed you a copy in my despatch, No. 39, of that date.

Immediately on its receipt the representatives of the treaty powers met, and after considering the reply, agreed with entire unanimity upon the memorandum of which I now enclose copy, enclosure No. 2.

Further action has been suspended in consequence of the arrival at this port of two young men, retainers of the Prince of Choshu, who were in England, pursuing their studies, and who thought their representations and remonstrances might cause that prince to refrain from further hostilities.

On my visit to this place, for the purpose of meeting my colleagues, I found they had prepared memoranda for presentation by these young men to that prince, and in the brief time allowed me I prepared a short memorandum for like presentation, a copy of which I now enclose, (enclosure No. 3.) I also send a Japanese version, kindly provided for me by order of Sir Rutherford Alcock.

The British frigates *Borussa* and *Cormorant*, despatched to the inland sea, returned this day. On their arrival near the territory of the Prince of Choshu they landed his retainers, who returned, after an absence of eleven days, with a verbal answer, that he was acting under the orders of the Mikado; but if time was given, the Mikado might be induced to revoke his orders, and he, Choshu, would so advise him.

An impression, however, was left on the minds of the British officers and interpreters that the answer was much softened down by these young men.

During their absence the ships were engaged in surveying, with a view of testing the accuracy of the charts, which were found quite reliable. While engaged in these labors one of the ships approached, on two different occasions, the entrance of the straits, and shots were both times fired across her bows. The captain of the *Borussa* informs me that the guns were fixed, and he was not within their range. The steamer, agreeably to instructions, did not fire on the batteries.

The note *identique*, which my colleagues and myself have prepared, will be sent in after the naval and military commanders have met for consultation.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,

Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington.

[Enclosure No. 1.]

We have received your letter, No. 58, of the 30th May, and fully understood all that you, according to the views of your government, stated therein relating to the firing, last year, upon foreign ships in Nagato, and to the closing of the port of Kanagawa.

We have not neglected this Nagato matter, as the members of the 2d council, Suwa Inaba-no-kami and Matrudaira Nui-no-kami stated to you under our instructions. Should this, however, be too hastily proceeded with, a satisfactory solution of all matters would not be attained, owing to great trouble which may arise from the want of harmony in public feeling, and which, it is feared, may bring about a rupture of the friendly relations between the two countries. It requires time to carry out the arrangement, and the requisite steps must be taken gradually, as we have such profound apprehensions as stated above. We therefore request that this matter, for the present, may be left for us to manage.

Your suspecting us of sympathy with those who are hostile to the treaties, because we asked for the closing of the port of Kanagawa, surprised us greatly. We caused our embassy last year fully to explain the state of affairs, which, in good faith, has ever since been the subject of profound deliberation by our government, but this (self-management by degrees) is the only means of tranquillizing the public feeling, and removing the obstructions injurious to the relations between the two countries; it is, therefore, desirable that your excellency will understand this well, and kindly will take care, in order that the mutual relations of friendship be made lasting.

Which we have to state in reply.

The 27th day of the 8th month of the 1st year of Genji, (June 30, 1864.)

ITAKURA SUWO-NO-KAMI.

INOWUYE KAWATSI-NO-KAMI.

MAKINO BIDZEN-NO-KAMI.

His Excellency ROBERT H. PRUYN,

Minister Resident of the United States of America, &c., &c., &c.

[Enclosure No. 2.]

Memorandum.

When the treaty powers, in 1862, consented, on the representations of the Tycoon's envoys, to certain important modifications in the treaties, the spirit, the motive, and the extent of these concessions were clearly set forth.

In consenting to the deferred opening of the ports mentioned in the memorandum signed at the time, the treaty powers were careful to establish the fact that this postponement, far from signifying a virtual abandonment of their rights,

was, on the contrary, to be taken as indicating their firm resolution to maintain them, by furnishing the Tycoon with the means which he declared to be necessary for securing them in a more effectual manner.

In a word, the Japanese government, by the very tenor of those representations, pledged itself to remove, in exchange for these temporary concessions, all the difficulties of the time, and solemnly promised to remove the obstacles which might oppose the development of our relations.

But what have been the results of these promises and concessions ?

The undersigned summed them up when last year, in the month of July, they addressed to the Tycoon an identical note describing the restrictions placed upon commerce, the murderous assaults committed upon foreigners, the closing of the inland sea, and the attacks made upon several foreign vessels by a Daimio.

These complaints remained unanswered ; no steps were taken to give redress ; and as the situation became worse, because the presence of foreigners at Yokohama was put in question, the undersigned were compelled to renew their remonstrances in a note which they addressed, on the 30th of May last, to the Gorogio.

As the Yedo council has not this time thought it advisable to be silent regarding this step, the undersigned have met together in order to examine the tenor of the reply to the aforesaid note, received by them separately, and to fix upon the line of conduct to be followed upon this occasion.

The undersigned satisfied themselves that the reply from the Gorogio was identical, and virtually a negation of all their reclamations.

In effect, while deploring the violent acts of the Daimio, who, after having closed the inland sea, still obstructs and interrupts the commerce of Nagasaki, the Japanese ministers leave the undersigned no hope of this state of things being modified, and warn them, moreover, of the dangers which the treaty powers may incur in attempting to arrive at that end by direct and common action.

As for the port of Yokohama, the Gorogio continues in the same course, and persists in demanding the abandonment of that settlement as a necessity urged upon it by circumstances, and as the only means of securing the lives of foreigners and the peace of the country.

In face of this categorical declaration, the undersigned are compelled to seek elsewhere for the means of obtaining redress for existing grievances, and of protecting, as effectually as possible, the interests intrusted to them.

And first, they inquire, what is the political situation of Japan ?

Authentic documents, derived from various sources, disperse the darkness with which the local government endeavors to obscure it.

The Tycoon, by treating with foreigners on a footing of equality, has hurt the national pride of the Daimios, while he has damaged their interests by reserving to himself the monopoly of our new commercial relations.

To these first causes of the discontent of the Daimios have soon been added the increase of taxes and other exactions, imposed on them under the pretext of providing for the defence of the country.

This hostile attitude has been the more clearly defined from the tycoonship having just passed into weak hands, and the best guarantee of its power was given up when the Daimios, whom it was the custom to keep in Yedo as hostages, were allowed to retire to their territories. These elements of opposition have naturally been concentrated round the Mikado, who can at his pleasure resume the exercise of power which his ancestors and himself had simply delegated.

The members of the high aristocracy could not allow this occasion to pass without taking revenge for the long domination of a dynasty, the founder of

which had not even been their equal in rank; and they have put aside their respective rivalries in order to combine and more effectually to attack the reigning Tycoon, on the foreign question, as his weak point.

Hence the resolution recently taken at Kioto to annul the treaties, and which commands the Tycoon to expel the foreigners by negotiations or by force.

The Tycoon comprehends his inability to fulfil such a mission; and conscious of the danger to his country of such an attempt, he feels inclined to temporize. But his weakness and inability take away from him all influence over the councils of the Mikado.

Fortunately for us, he is not the only one who desires the adoption of a more prudent policy towards the treaty powers.

A certain number of Daimios, among whom may be counted of old date the Princes of Etsizen, Higo, Idzu, Yossu, and more recently Satsuma, (whose views have apparently been modified by the attack on Kagosima,) have given evidence, about the truth of which the undersigned think there is not the slightest doubt, of their desire to promote commercial relations by establishing on a new or modified basis the intercourse of Japan with foreign powers.

This party has not been afraid to state its opinions in the midst of the council at Kioto, but it has been obliged to give up, for the present, the struggle against an overwhelming majority.

The political situations of Japan might therefore be resumed as follows:

Weakness of the Tycoon, and increasing powerlessness of that prince to resist the violent pressure of a hostile majority;

Existence of a party favorable to continued relations with foreigners, but at this moment incapable of giving effect to its opinions;

Finally, armaments of every kind prepared, with the loudly avowed intention of expelling all foreigners from the country.

The position made for the representatives of foreign powers is the natural consequence of the situation and the tendencies which they have just pointed out.

The residence in the capital is virtually interdicted.

The passage through the inland sea is forbidden to their vessels by means of batteries erected with that object.

Commanders of Japanese junks, who intended to bring merchandise to the foreign residents at Nagasaki, have been killed by order of the Daimio who has erected said batteries.

The people have been excited against the negotiators of the treaties by speaking of imaginary calamities as attached to their execution.

Orders from the local governments arbitrarily restrict the quantity of produce for exportation at the three open ports. Every day brings with it new obstacles to the development of the trade which sometimes (Chosu has given an example) is suddenly stopped by violent measures. The most elementary rules of the law of nations are disregarded.

Finally, the Gorogio insists upon the abandonment of Yokohama by the foreigners, and it claims that concession on the ground of its being necessary for the peace of the country, and, above all, for the security of the lives and property of these foreigners, whom, it says, it will soon be impossible to protect against the hatred which they have inspired.

And yet, what is the mission intrusted to the undersigned by their respective governments?

The recent decisions of the governments to which the demands on the part of the Japanese mission now in Europe have given rise, enable the undersigned clearly to define their obligations.

The foreign powers not only reject, in categorical terms, the propositions regarding the abandonment of Yokohama, but also refuse, by anticipation, to

listen to any overture for the modification of existing treaties for the curtailment of the rights they confer.

The instructions transmitted to the undersigned are identical. All are directed to maintain treaty rights intact, and to insist on their complete observance. But the facts already cited, do they not prove that these treaties of which the execution is required are at present a mere dead letter?

The political situation and the instructions the undersigned have received from their governments are in irreconcilable contradiction, and they are bound, at the risk of failing in their duty, to seek without delay for the proper means of effectually modifying such a condition.

The representatives of foreign powers, having experienced the uselessness of their representations and efforts with the government of the Tycoon to obtain redress for their grievances, can only trust to means at their own disposal, in order to arrive at the best solution of the question that may be possible.

Looking in that direction, they recognize more than ever the necessity of strengthening and consolidating their position by a cordial understanding founded upon identity of interests and entire unity of views as well as of action.

Suffering from the same political situation, and provided with the same instructions, the question suggests itself whether it be in a prolonged temporization or in energetic and prompt action that they must find the remedy for the state of affairs they have pointed out.

Forbearance and conciliation, and a policy characterized by these, have already been pushed to the utmost limits, and failed. It is by following this system that the treaty powers have been led from concession to concession to the point where they have now arrived. It was from prudence, and the fear of bringing about complications, that they left Yedo, that they subsequently allowed themselves to be almost confined in Yokohama, and that they have waited a whole year for the reparation which they demanded from the local government relative to the hostile expressions of the Prince of Nagato.

This long and patient forbearance was natural, so long as the treaty powers could believe in the promises and assurances of the Tycoon's government; but it would now be a mistake, when undeniable facts prove that it has only encouraged the retrograde aspirations of a party which believes itself so certain of victory that it thinks it no longer necessary to conceal its hopes and designs.

The undersigned, guided, therefore, by the experience of the past, believe they ought not to hesitate in coming to the conclusion that further inaction would be fatal to the interests at stake, and unavoidably productive, under greater disadvantages and certainly with larger proportions, of the conduct which they would by such means seek to avert.

Whereas, a more energetic attitude would, on the contrary, have undoubtedly for immediate result the dissipation of the idea now entertained by the Daimios, that patience has only been dictated by weakness or fear. A vigorous demonstration will disarrange schemes scarcely yet formed, and is calculated to give support to the party favorable to the maintenance of treaties before its opponents will have time to crush it. It will, moreover, give a salutary lesson to those semi-independent feudal chiefs who scoff at the obligations of treaties, the validity of which they deny, and who, for the justification of these continuous acts of violence, appeal to a decree (still in existence) which makes foreigners outlaws. In a word, this decided attitude may furnish to the Tycoon an occasion to regain an influence which is slipping away from his weak hands, although he is far from being willing to abdicate or renounce his governing powers.

At all events, it may compel this prince to abandon the system of duplicity and half-measures which he now follows, and openly declare whether he wishes to respect the treaties, or sides with those who wish to tear them up.

Thus the undersigned are unanimously agreed as to the necessity of a vigorous effort; and by the final abandonment of an expectant position they are convinced

that by prolonging the passive and expectant policy they would unavoidably bring about a denouement which, if there be nothing formidable in it now, owing to the imposing forces that the foreign powers have at their disposal in Japan, might come later, at a moment when (these forces being called elsewhere) they would have to resist, without adequate means, an enemy fully prepared, and who would choose the hour he might judge most favorable.

How and where the first blow must be struck is easily determined by an examination of the present state of things.

While the majority of the party hostile to the treaties has limited itself to menace, the Prince of Choshu has resolutely taken the initiative of attack by prohibiting to foreign vessels all access to the inland sea, and by stopping the supplies of produce for the Nagasaki market, carried on by native junks, as has been shown by the successive reports received from the consular agent at that port. Such continued violation of the law of nations, and formal negation of treaty rights, has been encouraged by the impunity which those perpetrating the acts have been allowed to enjoy. The futility of the representations made by the treaty powers on this head is, for the hostile Daimios, an argument upon which they build their hopes for the final success of their policy, and one which they freely use to keep up the excitement and courage of their followers and party.

Foreign powers, therefore, in chastising the Prince of Choshu, will meet the exigencies of their position, and best contribute to the security and well being of their subjects, who have been injured by this belligerent Daimio.

The removal of the obstructions to the free navigation in inland sea, by the destruction of the batteries whence the attack has come, will ruin the prestige of the aggressor, open the eyes of the hostile Daimios deceived by our inaction, and show the inanity of their means, and their incapability of standing before the science and military resources of the treaty powers.

The undersigned, being of one and the same opinion as to the necessity of acting and the direction to be given to their movements, have agreed to establish certain principles to serve as the bases of future co-operation, and which may also strengthen the common understanding by removing suspicions which might be conceived as to the future projects of each of the representatives.

They have, therefore, accepted the following articles :

ART. 1. The undersigned lay down as the basis of their policy the neutralization of Japan, and while awaiting the adhesion of their respective governments thereto, they engage that this principle shall prevail in the open ports.

ART. 2. The undersigned will come to an understanding as to the measures to be taken to maintain the treaty rights intact, especially the liberty of commerce in the open ports.

ART. 3. Although the experience acquired at the time of the expeditions to Simonoseki and Kagosima has led them to consider an attack on the three open ports improbable, in consequence of any operations in the inland sea, yet the undersigned will, in common, take measures in order to provide for that contingency, particularly as regards the port of Yokohama, which is most exposed to the chances of aggression or attack.

ART. 4. The undersigned agree not to ask for nor accept any concession of territory, nor any exclusive advantages whatever, either in the open ports or elsewhere in Japan.

If, in order better to secure the success of operations in the inland sea as elsewhere, it should appear to be useful or necessary to the commanders of the military and naval forces engaged to take possession of a port, island, or any portion of land, it is distinctly stipulated that such possession shall confer no exclusive right to the nation which shall hold it, and that the same must cease as soon as the end in view shall have been attained.

ART. 5. The undersigned agree, moreover, that they will abstain from all interference in the jurisdiction of the Japanese authorities over their own people, as well as from all intervention between the contending parties in the country. As the basis of an "*entente cordiale*" and effective co-operation, in view of the common action which it may become necessary in future to undertake, has been established, the undersigned have agreed to bring this memorandum to the knowledge of the military and naval commanders of the treaty powers, and to invite them to concert among themselves the coercive means that may be necessary in order to secure the proposed result. As soon as the said commanders shall have declared that they are in a position to act in conformity with the programme of the policy above set forth, and not before, the undersigned agree to transmit to the Gorogio, each separately, an identical note, which shall be substantially to the following effect :

They are to be informed that their answer has been the subject of a conference; regret to be expressed that the previous letter should have had so little effect; mere expression of regret for injury, to remain unredressed, of no avail; equally so warning of danger, if foreign powers do themselves justice; persistence in demand for closing of Yokohama, on a plea of necessity, overlooks a like necessity in foreign powers not to consent; conference see, in the general tenor of the answers, a formal and absolute negation of rights, and such a situation it is impossible to accept. In consequence, the foreign representatives have adopted resolutions in common accord to be now communicated.

In respect to affair of Choshu, if within twenty days no material change—and satisfactory guarantees for future security—action will be taken through the admirals, the naval and military commanders, without further communication with ministers.

In reference to the withdrawal from Yokohama, renewed protest against reiteration of a demand which foreign representatives are not even allowed to discuss. Suggest one consideration they seemed to have overlooked in making such; persevering in this demand; concessions of 1862, not absolute but conditional; non-fulfilment of conditions put an end to concessions. Treaty powers revert to treaty, by this right to claim execution of all articles; opening of Yedo, Osaka, Hiogo, and Nagato.

This is the only answer to the demand for abandoning Yokohama.

The line of conduct here traced, and the general policy indicated throughout this memorandum, as the best adapted, under all the circumstances, in a political point of view, to lead to a satisfactory result, obviously assumes the availability, on the spot, of material forces, and their employment for the attainment of the more immediate ends in view. It has accordingly been agreed by the undersigned that neither the despatch and "*note identique*," nor any other step of a nature to commit them to any definite issue with the Japanese government shall be taken, until the assurance has been received of the naval and military officers in command that they are prepared to give their effective co-operation whenever it may be deemed necessary.

Signed in duplicate, in English and French, (the English and French versions each to be regarded as original by the undersigned,) this 22d day of July, 1864, at Yokohama.

RUTHERFORD ALCOCK,

H. B. M.'s Envoy Extraordinary and Minister Plenipotentiary.

ROBERT H. PRUYN,

Minister Resident of the United States.

LEON ROCHES,

Ministre Plenipotentiaire de S. M. I. au Japon.

D. DE GRAEFF VAN POLSBROEK,

H. N. M. Consul General and Political Agent in Japan.

UNITED STATES LEGATION IN JAPAN,
Kanagawa, July 21, 1864.

The minister resident of the United States in Japan, on his arrival at this place from Yedo, learns that two steamers of her Majesty the Queen of Great Britain will leave early to-morrow morning for the province of Nagato, with two subjects of the Prince of Choshu. Their excellencies the ministers of her Britannic Majesty and of his Imperial Majesty the Emperor of the French have embraced this opportunity to send forward memoranda giving their views of the attitude of that prince towards the treaty powers, and the inevitable destruction which awaits him if he pursue his present course of hostility.

The minister of the United States fully concurs in their opinions and warnings. Not having time to prepare a paper of the same character, and covering the entire ground, he cordially adopts as his own the language of their excellencies the ministers of Great Britain and France.

The President of the United States, while desirous of preserving the most peaceful and friendly relations with the government and princes of Japan, has instructed his minister to use the naval force of the United States for the protection of the lives and property of its citizens.

The minister of the United States joins in the hope expressed by his colleagues that the Prince of Choshu and all hostile Daimios will heed the warnings now given. They are not made by way of threat, or with any hostile feeling, but with the sincere desire that hostilities may be avoided.

If hereafter, as heretofore, the lives and property of citizens and subjects of the treaty powers are assailed, and the Prince of Choshu shall find his power shattered, it will be because he neglects these warnings given in the spirit of friendship, but with the resolute purpose of resenting and punishing any aggressive acts he may commit.

ROBERT H. PRUYN,
Minister Resident of the United States in Japan.

PRINCE CHOSHU, in his Province of Nagato.

Mr. Pruyn to Mr. Seward.

No. 51.]

LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, August 10, 1864.

SIR: I have the honor to inform you that while in Yedo the most extraordinary peaceful revolution in the government occurred that has marked its history.

I was not aware of anything unusual being in progress until I received a letter from Sir Rutherford Alcock. So true is it that reliable information can be more easily obtained in this place, where the ministers of the treaty powers can be approached with less notice, and addressed with greater security to the Japanese informer.

On questioning the governors for foreign affairs I was informed that two members of the Gorogio had been dismissed from office, also the regent who had refused to march troops against Daimios, declaring that they were carrying out the orders of the Mikado for the expulsion of foreigners, and reflected the popular sentiment. More than seventy officers immediately surrounding the Tycoon, and occupying the most confidential and important position, were also dismissed; these officials had all been opposed to the Tycoon's observance of the treaties, and their places had been filled by those friendly to his policy.

The British minister was also informed that the life of the Tycoon had been attempted, and that his chief or governor of the kitchen, and four of his

physicians, had been put to death on suspicion of being implicated in such attempts. This was denied by the governors, but little doubt is entertained of its truth.

Takemoto Kai-no-kami, the governor of whom I have heretofore written, has been again advanced, holding a confidential post near the person of the Tycoon.

He still retains the office of governor for foreign affairs, and as such says he will communicate immediately between the Tycoon and the ministers of the treaty powers. He is now in this place, for the purpose of meeting myself and colleagues. He has had an informal meeting with the British minister, in which he said, that while the Tycoon was sensible of the assistance he would derive from operations against Choshu, he was, of course, precluded from inviting or encouraging such operations. He closed a conversation characterized by great good sense, with the puerile proposition that, pending such operations, Yokohama should be entirely abandoned by foreigners, for fear they might be attacked, and the buildings left under the guard of the Tycoon. This would also prevent the issue of further orders by the Mikado for the expulsion of foreigners; and when told that such course was out of the question, asked that the women and children at least might be removed. Now that the ships sent to Choshu have returned, we will have other interviews, and it is probable a strong expeditionary force will leave for his chastisement the next month, if the weather permits.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,

Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,

Secretary of State.

Mr. Pruyn to Mr. Seward.

No. 52.]

LEGATION OF THE UNITED STATES IN JAPAN,

Kanagawa, August 10, 1864.

SIR: I returned to this place on the 5th instant, after a visit of three weeks to the city of Yedo, having succeeded in securing the settlement of the claims which I had been instructed to demand of this government.

My own personal inclinations and convictions of duty, the assurance that it would be unnecessary to resort to force, and the fact that the only national vessel in these waters was the sailing sloop Jamestown, combined to induce me to seek a peaceful solution of existing differences. It was evidently the intention of the government indefinitely to procrastinate the consideration of those claims they had rejected and the payment of that of the Pembroke, admitted and promised to be paid more than a year ago, which it now wished to make contingent on its collection from the Prince of Choshu.

I availed myself of the ill-advised declarations which the Gorogio had made, as far back as October, in writing, and now repeated, that they could not guarantee my safety in Yedo.

The Gorogio were not content to rely on the success of such representations, but were careful to make it, as they thought, impossible for me to reside for any time in Yedo, by failing to proceed with the rebuilding of the legation.

The only accommodation which had been provided was that of a few rooms in the temple, which extended in an unbroken line, so that to reach the furthest from the entrance every room had to be passed through.

I accordingly announced early in July my purpose to resume my residence in Yedo, in order that I might have easier access to the government for the purpose of securing the rebuilding of the legation, and of bringing about a settle-

ment of our claims, in which no progress had been made nor could be made at this place; and that as the government were unable to provide for my safety, I should aid them by asking Captain Price to anchor the Jamestown off the forts at Yedo, and land a guard of marines and sailors for the defence of the legation; and that, on the arrival of another national vessel, I should increase the guard if advised by them that it was needful.

This led to their addressing me a letter, in which they fixed the time for completing the legation building, (copy of letter, enclosure No. 1,) and secured me repeated visits from governors for foreign affairs, representing the insecurity of the city, and their fears of fresh complications, growing out of attacks on me which might be made in Yedo, and offers to meet me at once at this place.

I refused to reconsider my determination, and accordingly went to Yedo in the Jamestown, Captain Price heartily entering into my views, and at my request landing a guard of sixty-five marines and sailors, under the command of Lieutenant Huntington, of the marine corps, and of Ensign J. D. Graham.

It is needless to say I did not do this through any fears for my personal safety. During my entire stay my guests and myself walked and rode through Yedo without any other than a Japanese guard; and, having occasion to meet my colleagues, I rode to this place alone with such guard, proceeding through the worst quarter of Yedo. I was sure it would greatly hasten a favorable result, and before two weeks had passed everything was definitely settled.

The indemnity demanded for the legation has been paid; and notwithstanding former declarations that it would be a disgrace to admit it, it was declared to be a just claim, and conceded at once without hesitation or delay.

The government placed in my hand a letter drawn by myself, in which they said that they had directed the governor of Kanagawa, on the 5th of September, to pay me the sum of \$1,200, principal and interest of the Pembroke claim, and in which they stated that if not paid on that day on the production of my letter, it would be receivable for all public dues to said amount. Some months before I had notified them I should expect interest, thinking it would hasten the payment of the principal sum. The government also placed in my hands a paper prepared by myself, by which they agreed that if within thirty days it should fail to arrange to my satisfaction the claims for outrages on citizens at this place, it would submit the same to the arbitration of his Majesty the Emperor of Russia.

As it was my purpose to return to Yokohama, I obtained its assent to this proposition to guard against further procrastination. I have no idea they will now fail to recognize the justice of the claims. Still I congratulate myself on having succeeded in procuring this first recognition by this government of the principle of arbitration. I regard it as no mean triumph to have induced the Tycoon to agree to submit to the decision of a power so recently proscribed, and whose subjects were only a few years ago maltreated, and are even now, in common with our own citizens, regarded at least by Japanese law as outlaws, liable to be put to death whenever they set their foot in Japan.

I am aware it would be a great condescension on the part of his Majesty the Emperor of Russia to act as arbitrator in a case of so little magnitude; still, I indulge the hope if, contrary to my expectation, the contingency should arise requiring such action, his Majesty would, on the application of the President, in view of the peculiar character of this government and people, and the great advantages to be derived therefrom, consent to act.

I presume the President does not desire these sums to be paid into the treasury, as a law of Congress would then be required for their disbursement. I therefore propose to pay the losses occasioned by the legation fire, sending you the vouchers and carrying balance to credit of contingent expense account. When received I will make a special deposit of the Pembroke indemnity money with the owners, Russell & Co., until I shall have received your instructions. Expenses have been incurred growing out of the presence of the Jamestown at

Yedo, for which no fund is provided. For example, ships-of-war are supposed to be able at all times to communicate with the shore in their own boats; and yet, at low tide, those of the Jamestown could scarcely approach within half a mile of the landing place. Japanese boats and boatmen were therefore employed, as flat-bottomed boats or scows were required, which, at times, had to be drawn a long distance over the soft mud. It appears to me, therefore, it would not be improper to provide for these and kindred expenses from the amount paid for interest. The owners of the Pembroke will have received a very large indemnity, in view of the small loss they sustained, and they neither applied for nor expected interest; nor did I ask for it on their behalf, but only to accelerate the payment of the principal. I await instructions on this subject.

I shall not be unwilling to receive for the remaining claims less than I have demanded, in view of the discretion you allowed me. The principal sufferer, Mr. Robertson, is not expected to live through the year, and he is now destitute of means. The American residents have lately subscribed a handsome sum for his support and his passage home. I will, most probably, be offered, by way of compromise, a smaller sum, and I am satisfied no injustice would be done to those in whose behalf the claims were made, nor any injury arise from a moderate concession.

I enclose Nos. 2, 3, 4, 5, 6, and 7, copies of such part of my correspondence with the government in relation to my residence in Yedo as regards its insecurity, remarking that the verbal declarations of danger of the governors of foreign affairs were frequent, and designed to be alarming. I also enclose No. 8, a copy of a letter addressed by me to Captain Price after my return. It gives me pleasure to acknowledge his valuable assistance, his readiness to comply with every request made by me, and his anxiety to do all in his power to aid me in my negotiations. Nor must I omit to bear witness to the uniform good conduct of the guard furnished by him. I could not fail to be uneasy while they were in Yedo, and was heartily rejoiced when they were once more on board. Nor should I desire, unless compelled to do so, to repeat the experiment. But I am happy to say that entire and uninterrupted cordiality existed between them and the ordinary Japanese guard.

I have resumed my residence here to enable the government to complete the legation building, as promised. It was impossible to remain in Yedo, as part of the temporary buildings occupied by me had to be removed to make room for the new buildings. When I left, timber had been accumulated on the ground, and the buildings were actually commenced.

I also enclose No. 9, copy of the reply to Captain Price.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,

Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington.

In our letter of the 3d instant we stated to your excellency that within one week we would inform you of the time when the rebuilding of Dzenfkujee would be completed. On inquiry we learn from the builders that in less than five months from this date (in our next tenth month) this can be accomplished. This reckoning, however, is only by approximation, and we will, therefore, give

strict orders and urge these persons to put up the buildings with all possible despatch.

Which we state for your information, with respect and esteem.

The 8th day of the sixth month of the first year of Genji, (July 11, 1864.)

ITAKURA SUWO-NO-KAMI.

INOWUYE KAWATRI-NO-KAMI.

MAKINO BIDREN-NO-KAMI.

His Excellency ROBERT H. PRUYN,

Minister Resident of the United States of America, &c., &c., &c.

LEGATION OF THE UNITED STATES IN JAPAN,

Yokohama, September 29, 1863.

As I left Yedo at the request of the government of his Majesty the Tycoon, I think it proper to ask of your excellencies an assurance that the dangers which alarmed the government have passed by, and that the government are able to extend the requisite protection to the legation.

I do not ask this because of any fears which I have, but because I think such assurance is due to my government. As I informed the President of the United States of the message you caused to be delivered at the time I left Yedo, I wish to send to him your formal declaration of the improved condition of that city. I propose still to rely entirely on a guard to be furnished by the government of his Majesty the Tycoon; and on receiving a letter from your excellencies I shall be prepared, on the arrival of my furniture, to resume my residence in Yedo.

With respect and esteem,

ROBERT H. PRUYN,

Minister Resident of the United States in Japan.

The GOROGIO,

Ministers for Foreign Affairs, &c., &c., &c., Yedo.

We fully understood what you stated in your letter No. 108, of the 29th September. You certainly will not doubt that officers will be sent to your legation for protection, and that we will use our best efforts in this respect as far as lies in our power. Though in great anxiety and constantly exerting ourselves for the prevention of accidents, yet no opportunity has hitherto presented itself for the suppression of the unsettled state of affairs, which gives us much uneasiness; hence it is impossible to give you the assurance you desire.

We request you, therefore, to postpone for some time longer your return to this city, and to remain in Yokohama for the present.

Which we have to state in reply, with respect and esteem.

The first day of the ninth month of the third year of Bunkiu, (October 13, 1863.)

MATSUDAIRA BOODZEN-NO-KAMI.

MIDSUMO IDSUMI-NO-KAMI.

ITAKURA SUWO-NO-KAMI.

INOWUYE KAWATRI-NO-KAMI.

ARIMA TOTOMI-NO-KAMI.

His Excellency ROBERT H. PRUYN,

Minister Resident of the United States of America, &c., &c., &c.

No. 60.]

LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, May 16, 1864.

I have the honor to inform your excellencies that I have been instructed by the President of the United States to require of your excellencies that immediate provision be made for my residence at Yedo.

On the 29th of September last I wrote to your excellencies, asking whether the government were able to extend to the legation the requisite protection, and on the first day of the ninth month received a reply that it was impossible to give me the assurance I desired. Since that time I have repeatedly conversed with governors for foreign affairs on the subject, and by one of them was met by the extraordinary remark that my colleagues were content to reside at Kanagawa, and that it would not be a proof of friendship to the government of the Tycoon if I insisted on residing at Yedo.

In a few days a year will have passed since the legation buildings were destroyed, and no commencement has been made to rebuild them. So anxious am I to meet the reasonable wishes of the President, that I am willing, if no better provision be made for my accommodation, to reside in the adjoining temple, although very unfit even for a temporary residence.

In your letter of the eleventh day of the ninth month your excellencies requested me to remain some time longer in this place, and to await your further communication on the subject of my residence at Yedo; and so long a time has elapsed without my receiving any communication, that I feel it to be my duty again to invite your excellencies' attention to this subject.

I shall be happy to receive from your excellencies the assurance that an improved state of feeling exists at Yedo, and that the government is now able to assure me of its ability to protect the legation, and that it will feel no anxiety for its safety should I now return to that city.

With respect and esteem,

ROBERT H. PRUYN,

Minister Resident of the United States in Japan.

Their Excellencies the GOROGIO,

Ministers of Foreign Affairs, &c., &c., &c., Yedo.

We received your letter No. 50, of the 16th May, and fully understood all you have been instructed to state in regard to your resumption of residence at Drenfkujee. The governors for foreign affairs have, under our instructions, on several occasions conferred with you on the subject, and stated that there are still apprehensions for accidents, as we have not yet succeeded in restoring tranquillity. It is, therefore, desirable that, taking these circumstances together with our uneasiness into due consideration, you will in suitable manner inform the President of the United States accordingly.

Owing to various steps to be taken, the rebuilding of Dzenfkujee has been delayed until now. We will, however, issue orders to the competent officers to commence at once, and, in compliance with your communication, we shall hasten the matter, in order to secure its completion at an early day.

Stated for your information, with respect and esteem.

The 29th day of the fourth month of the first year of Genji, (June 3, 1864.)

ITAKURA SUWO-NO-KAMI.

INOWUYE KAWATRI-NO-KAMI.

MAKINO BIDREN-NO-KAMI.

His Excellency ROBERT H. PRUYN,

Minister Resident of the United States of America, &c., &c., &c.

LEGATION OF THE UNITED STATES IN JAPAN,

Kanagawa, June 29, 1864.

I have the honor to inform your excellencies that after the 5th of July I propose resuming my residence at Yedo, and to request that on that day a sufficient Japanese guard be sent to the legation. In order to remove as far as possible all uneasiness from the minds of your excellencies, as you are of opinion that it will be unsafe for me to reside there, I shall cause the United States ship Jamestown to be anchored off the forts, and shall land a guard of marines of one hundred to aid the Japanese guard.

I indulge the hope that my residence at Yedo will enable me to bring to a more speedy and satisfactory close the questions now unhappily disturbing our peaceful relations, and to draw still closer the ties of friendship of the two countries. As soon as I shall arrive I will thank you to send governors for foreign affairs to me to arrange for an early interview with your excellencies.

With respect and esteem,

ROBERT H. PRUYN,

Minister Resident of the United States in Japan.

The GOROGIO,

Ministers for Foreign Affairs, &c., &c., &c., Yedo.

Your letter dated the 29th June, No. 68, informing us of your intention to return to Yedo, has been received and fully understood. We caused our opinion on the subject to be communicated to you by the governors for foreign affairs, Takemoto Hayato-no-kami and Sibata Hioga-no-kami, but your excellency, not assenting thereto, announced your firm determination to return here.

The present state of affairs in our empire, as frequently and fully communicated to you, is daily getting worse, rendering it unsound and deplorable. Bad people assemble, now here, then there, and then again disperse; and there is much apprehension lest the relations of Japan with the foreign powers be broken off. Neglecting nothing, our government has in every way taken measures to tranquilize the public feeling, and we are on the turning point where success may be perceptible.

The plan for rebuilding Drenfkujee is already made, and the rebuilding can now be gradually proceeded with, and there will be so much bustle then from the coming and going of the workmen as to render it very difficult to take vigilant care, which gives us profound anxiety. We shall give strict orders to the competent persons and arrange so as to complete it at an early day. Hence it is desirable that your excellency will postpone your return until the building is finished, although this return at present may be urgently necessary. Within one week from to-day we agree to inform you of the time required for the completion of the buildings. Should your excellency, however, persist in returning at present, something unforeseen might happen, all our exertions for protection notwithstanding, and in such case it is certain that a return to a former good feeling is impossible; the friendly ties hitherto existing between our countries might be snapped asunder, which gives us profound uneasiness. We therefore earnestly request you to take the foregoing into due consideration.

With respect and esteem.

The 3d day of the 6th month of the 1st year of Genji, (July 6, 1864.)

ITAKURA SUWO-NO-KAMI,

INOWUYE KAWATRI-NO-KAMI,

MAKINO BIDREN-NO-KAMI.

His Excellency ROBERT H. PRUYN,

Minister Resident of the United States of America, &c., &c., &c.

LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, August 8, 1864.

SIR: The Japanese government having arranged, to my satisfaction, the claims which I had been instructed by the President of the United States to make upon it, it is my pleasant duty to acknowledge the great assistance which you so promptly rendered me in bringing the negotiations to a successful termination. The small naval force in these waters left me little choice as to the mode of procedure. Had it been much larger, however, I should have adopted the course which I determined on, and which has proved, as I expected, entirely successful.

Fortunately the Gorogio, by formally and in writing announcing their inability to guarantee my safety in Yedo, enabled me to apply to you for a guard for the legation on resuming my residence in this city, which I determined to do for the purpose of bringing pending negotiations to a speedier issue.

I have now to thank you for your prompt compliance with my wishes, and to announce to you that I shall not fail to inform the Secretary of State of the high discipline and uniform good conduct of the officers and men detailed by you as a legation guard. Though located for more than three weeks in the heart of Yedo, and in constant contact with the Japanese officers and soldiers, with whom they pleasantly fraternized, not an unpleasant word, or even an unfriendly look, marred the uniform good feeling which prevailed.

I have the honor to be, sir, your obedient servant,

ROBERT H. PRUYN,
Minister Resident in Japan.

Captain CICERO PRICE,
Commanding U. S. Ship Jamestown, Yokohama Roads.

UNITED STATES SHIP JAMESTOWN,
Yokohama, August 10, 1864.

SIR: I have great pleasure in acknowledging the receipt of your very civil and flattering letter of the 8th instant, growing out of the connexion of this ship with your late residence in Yedo. The officers and men who composed the legation guard will be as much gratified as myself at the complimentary terms in which you speak of their discipline and good conduct. The duty devolved upon the guard was a very delicate one, to surround your residence for the time it did in the centre of a very large city and among a prejudiced and sensitive people, and that without unfriendly collision of any kind; but to leave behind friendly feelings is certainly more than I had anticipated. I shall have great pleasure in forwarding your communication to the Navy Department.

I beg to offer you my hearty congratulations upon the success of your mission to the capital, and to express the belief that both the government and people will duly appreciate the energy and perseverance which marked so signally and successfully your proceedings.

I have the honor to be, with the highest respect, your most obedient servant,
CICERO PRICE, *Captain U. S. N.*

Hon. ROBERT H. PRUYN,
Minister Resident in Japan.

Mr. Pruyn to Mr. Seward.

No. 54.]

LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, August 13, 1864.

SIR: At a meeting of the military and naval commanders held yesterday, at which were present, among others, Major General Brown, commanding the British forces in China, the British and French admirals, Captain Price and Captain Le Marr, the commanding officer of the Dutch squadron, it was resolved to proceed at once to open the straits of Simonoseki.

About 800 troops are to be left for the defence of this place; also, the *James-town* and a British steam corvette, one despatch steamer, and two gunboats. General Brown has also ordered from Shanghai 600 more troops, including another half battery of artillery.

Not having yet received a copy of the memorandum of the naval and military commanders, I am unable to send you one by this mail. It throws upon the ministers of the treaty powers the responsibility of the defence of this place, which we are ready to assume.

Should the large force now here withdraw without striking a blow, we feel assured our position would be untenable. The best place to defend the open ports is at the straits of Simonoseki. And if Choshu's pride and power are humbled, we may quite safely calculate upon an improved condition of affairs. We have, besides, the knowledge that this expedition will not displease the government, and that, during the absence of the fleet and forces which will compose it, we may expect more vigilance on the part of the Japanese guards, and an increased number of them, if considered needful.

I have the pleasure to be able to say that I had an interview this day with Takemoto Kai-no-kami and another confidential governor for foreign affairs, and one Omestki, who have been here some days, treating for the conclusion of this business, in which I expressed my concern for the safety of this place during the absence of the forces, not only because of the property and lives involved, but because any injury done here must, of course, be regarded as done or permitted by the Tycoon, situated as we were in his territories and so near his capital, and our good relations with the government might therefore be thus seriously impaired. I wished also to assure the government of the Tycoon that this expedition was not an act of hostility to his government, but for its maintenance, and in the interests of peace, which I and my colleagues were satisfied could thus be more effectually secured.

The governor replied, that every precaution would be taken for the defence of the place; but that it was desirable that, meanwhile, as few should ride out on the Tokaido as possible, and great precautions should be taken, as attacks might be made on individuals who exposed themselves. He also said I had always shown a friendly disposition towards the government of his Majesty the Tycoon, and that this expedition was an additional proof of friendship, for which he thanked me. He further said, that after the note identique, which he had been informed was to be addressed to the ministers, had been received, a vice-governor would come down, and request the expedition should not be sent; but he desired my colleagues and myself to say that it was impossible to refrain from sending it. He also said that the Daimio of Boodzen, whose fortress, Kokura, was on the southern side of the straits, was a great friend of the Tycoon, but being opposite to and afraid of Choshu, he might be compelled to fire on the expedition. The governor said he wished that Boodzen might be treated as kindly as possible.

I informed him that before that place was reached the batteries of Choshu would all be silenced, so that no occasion would be given him to fire from Kokura, and that I would ask that a flag be sent to assure him of the peaceful purposes of the treaty powers towards him.

The interview closed with the information that he was directed by the Tycoon to express his entire disapprobation of the act of firing on the Monitor, and that he had no language sufficient to express his indignation.

The mail has been detained, and I have only a few minutes in which hurriedly to communicate this important information.

Interviews were held this day with my colleagues of Great Britain and France, at which the same language was held.

You will see from the above that what I have heretofore written, that an expedition could be sent to punish Choshu without involving the treaty powers in a war with Japan, is quite certain to prove true.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,

Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

OFFICE UNITED STATES MILITARY TELEGRAPH,

War Department.

The following telegram received at Washington, August 28, 1864, 11 a. m.—from Kanagawa, *via* San Francisco, August 26, 1864:

At a joint meeting of the ministers of the treaty powers, held yesterday, it was determined, on the failure of the government within twenty days to do so, to open the inland sea, now closed, even to Japanese commerce with Nagasaki, by Nago. The British will have fifteen ships-of-war, the Dutch four, the French three, and the United States one only, the Jamestown. I would respectfully ask for steamers, which, though they will not arrive in time for this movement, may and probably will be necessary for the protection of American interests.

ROBERT H. PRUYN,

Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

OFFICE UNITED STATES MILITARY TELEGRAPH,

War Department.

The following telegram received at Washington, October 15, 1864, 10.15 p. m.—from San Francisco, October 14, 1864:

UNITED STATES LEGATION,

Yedo, August 2, 1864.

SIR: Legation indemnity paid; written agreement given for payment of Pembroke indemnity, principal and interest, within thirty days, and for submission of all other claims to arbitration to Emperor of Russia, if not in meantime arranged.

Yours, &c.,

ROBERT H. PRUYN,

Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Pruyn to Mr. Seward.

No. 56.]

LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, September 2, 1864.

SIR: The bark Delaware, on her way to San Francisco from Shanghai, touched at this port. I intended to send despatches by her, but her sailing at less than a day's notice prevents me from getting the necessary enclosures ready in time, and I shall, therefore, send these despatches by the mail, which leaves in a few days.

I have the honor to be, sir, very respectfully, your most obedient servant,
ROBERT H. PRUYN,
Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

OFFICE U. S. MILITARY TELEGRAPH,
War Department, October 15, 1864.

The following telegram was received at Washington 5.50 p. m., from San Francisco, October 14, 1864:

UNITED STATES LEGATION,
Kanagawa, September 2, 1864.

SIR: The ambassadors who made the French convention have been disgraced; convention repudiated; combined fleet gone to destroy batteries at Simonoseki.
Yours, &c.,

ROBERT H. PRUYN,
Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Pruyn to Mr. Seward.

No. 57.]

LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, September 3, 1864.

SIR: I have the honor to inform you that on the 19th ultimo, the day previous to that fixed for the departure of the expedition against Choshu, and while the representatives of the treaty powers were hearing the final application of the Gorogio through a vice-minister, as was proposed, for its postponement, the Japanese envoys, who left for Europe last spring, very unexpectedly arrived here in the mail steamer. We received at the same time the intelligence of the conclusion of a convention between France and Japan, in which, among other things, it was provided that the Tycoon would, within three months after the return of the envoys, open the inland sea. It is understood they were recalled by the Tycoon, though not expected to arrive so inopportunately. It became necessary, therefore, to countermand the orders for the combined expedition. Being satisfied that the envoys had entered into engagements which the Tycoon could not ratify, as he would thereby immediately inaugurate a civil war, and that if ratified it would be impossible for him to carry them out, I addressed a

letter to the Gorogio asking to be informed of his decision. The following day similar letters were addressed to the ministers by my colleagues of Great Britain and the Netherlands, and the minister of France at the same time inquired when the Tycoon would be prepared to carry the convention into effect. We were informed that governors would be despatched to give us full information on the subject.

We were accordingly waited on by Takemeto Kai-no-kami and other governors, the minister of France receiving them separately, and my colleagues of Great Britain and the Netherlands jointly.

The governors said the return of the envoys had been very unfortunate. They had first acted foolishly in making such a convention, and then in returning so quickly; that the Tycoon wished they had been drowned; they deserved to lose their heads, and they would be severely punished. They then announced that the Tycoon had decided not to ratify the convention; they also said that it was absolutely essential that the Tycoon should gain time; that he would, therefore, at once send another embassy which, however, would not go further than Shanghai.

The representatives of the treaty powers immediately had another conference, and agreed on a memorandum providing that the naval and military commanders should be immediately requested to proceed as before decided.

You will perceive that the memorandum contemplates taking possession of some port in Choshu's territory, with a view to securing an indemnity for the expenses of the expedition, and also, if practicable, by negotiation, an additional open port.

Shortly after the sailing of the expedition we were waited on by envoys from the ministers with a message that Choshu had sent his chief officers to Kioto with a large force, which had come in conflict with the Prince of Aidzu, charged by the Tycoon with the defence of the Mikado, and that during its continuance a large portion of the city had been destroyed. That the Mikado had called on the Tycoon for protection, and had ordered him to proceed at once to punish Choshu.

I have also been informed by a vice-minister, attended by Takemeto Kai-no-kami and other governors, that the Tycoon had taken possession of the Yasakis or palaces of Choshu in Yedo, and would proceed with great vigor to execute the orders of the Mikado. At the same time he said he had come down to ask that the fleet should not be sent against him.

The fleet had, as he was aware, already left. The expedition is composed of nine British, four Dutch, three French, and one United States steamer, (chartered,) the Ta-Kiang. The British admiral said he would be willing to order the Jamestown to be towed to Simonoseki, if desired; but, as she would be entirely useless when there, it would only mortify the officers and might embarrass his movements. At the same time both he, Admiral Jaures, and the captain commanding the Netherlands squadron, as well as my colleagues, gave it as their opinion that it was exceedingly desirable that our flag should be represented, and that, though the government of Japan fully understood the position of the United States, the Daimios not in the confidence of the government might misapprehend it, and that, although the Jamestown would be necessarily retained at this place, it was possible the impression might be created thereby that the United States was not in harmony with the other treaty powers. Under these circumstances Captain Price and myself felt it to be our duty to charter the Ta-Kiang, an American steamer, nearly new, of over 600 tons, and which it is supposed will prove quite serviceable. She was placed by Captain Price under the command of Lieutenant Pearson, of the Jamestown, and carries the 30-pound Parrott gun of that ship, besides three small guns with which she was already armed.

I am happy to say the charter was effected on very reasonable terms. I will

in my next enclose copy of charter, and will probably be able then to give the result of the expedition.

I have the honor to enclose—

No. 1. Mr. Pruyn to Captain C. Price, commanding Jamestown.

No. 2. Copy of memorandum of meeting of naval officers at this port on the 12th of August, 1864, referred to in my despatch No. 54 of the 13th August, 1864.

No. 3. Copy of memorandum of meeting of foreign representatives of the 15th of August, requesting the naval commanders to open the straits of Simonoseki by force, &c.

No. 4. Copy of memorandum of meeting of foreign representatives of the 20th August, desiring naval commanders to suspend operations at Simonoseki, in view of the return of the Japanese embassy from Europe and convention concluded by them in Paris.

No. 5. Mr. Pruyn to the minister of foreign affairs, (No. 79.)

No. 6. Minister for foreign affairs to Mr. Pruyn, in reply, annulling convention of Paris.

No. 7. Copy of memorandum of meeting of the foreign representatives of the 25th August, desiring naval commanders to proceed with the opening of the straits of Simonoseki. &c.

No. 8. Mr. Pruyn to the ministers of foreign affairs, (note identique,) August 29, 1864, (No. 80.)

No. 9. Translation of a document purporting to be an account of the Prince of Choshu's coup-de-main at Kioto, to seize and carry off the person of the Mikado, and of its signal defeat.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,

Minister Resident in Japan.

HON. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

No. 1.

Mr. Pruyn to Captain Price.

No. 75.]

LEGATION OF THE UNITED STATES IN JAPAN,

Yedo, July 24, 1864.

SIR: You are aware that the diplomatic representatives of the treaty powers have for some time been considering the condition of affairs in Japan, with a view to the adoption of measures conceived to be necessary for the maintenance of treaty rights.

I have now the honor to enclose, for your information, copies of a correspondence with the Gorogio and memoranda signed by the diplomatic representatives, which will disclose the result at which they have arrived, and also, with sufficient clearness, the reasons which have controlled their decision to render it unnecessary for me to enter on the discussion of the subj ct.

You will perceive that action by the naval and military commanders of the treaty powers is contemplated.

I have, therefore, to request you to confer with the admirals of the British and French naval forces, and the captain commanding the squadron of the Netherlands, with a view to such action as may be judged best.

I am aware of the very insufficient force at your disposal. It is nevertheless important that such co-operation as may be possible, either in the display of

our flag in the inland sea, or in the defence of Yokohama, as may be mutually agreed on, shall take place, thus aiding to secure, as far as possible, our common interests, and carry out the wishes of the President for harmonious action with the treaty powers.

I am, sir, very respectfully, your obedient servant,

ROBERT H. PRUYN,

Minister Resident in Japan.

Captain CIGERO PRICE,

Commanding United States Ship Jamestown.

No. 2.

H. B. M. SHIP EURYALUS,

Yokohama, August 12, 1864.

The officers commanding the naval forces of the treaty powers at Yokohama having received the memorandum of the representatives, dated the 22d July, 1864, met this day on board the Euryalus, and have taken into serious consideration the requisition to open the straits of Simonoseki.

From the information received from the captain of the Barossa and the officers sent with him, they are convinced that the straits of Simonoseki continue to be closed, and that they can only be opened by force.

To attain this object, the commanding officers think that it would be necessary to take the greater part of the naval forces, and a portion of the troops now on shore at Yokohama, and they declare themselves ready to act in conformity with the programme of the policy set forth in the memorandum.

Nevertheless, they cannot undertake to leave Yokohama until they shall have been relieved entirely by their respective ministers from all responsibility with regard to the defence and security of the settlement.

AUGUSTUS L. KUPER,

Vice-Admiral and Commander-in-Chief of H. B. M. Naval Forces.

C. JAURES,

Rear-Admiral and Commander-in-Chief of H. I. M. Naval Forces.

CIGERO PRICE,

Captain U. S. Ship Jamestown, Senior Officer of the U. S. S. in Japan.

J. DE MARR,

Captain his Netherland Majesty's Ship Metalen Kruis, Senior

Officer of his Netherland Majesty's Ship in Japan.

No. 3.

Memorandum.

The undersigned, representatives of the treaty powers, having met and taken into consideration the copy of a minute, showing the result of the deliberations of the commanding officers of the respective naval forces assembled at Yokohama, and signed on the 12th instant, have agreed and resolved as follows:

1. To inform the commanding officers aforesaid that they are entirely relieved from all responsibility with regard to the defence and security of the settlement.

2. To request them, in conformity with the programme of the policy set forth in the memorandum of the undersigned, dated the 20th of July last, to proceed with all convenient speed to open the straits of Simonoseki, destroying and disarming the batteries of the Prince of Choshu, and otherwise crippling

him in all his means of attack, and to inform them that the political situation renders it desirable that there should be no considerable delay in the commencement of operations.

3. In the possibility of the Prince of Choshu being intimidated by the imposing nature of the force brought against him, and not firing, to request the naval officers, notwithstanding, to destroy his batteries, and take such measures as they may deem practicable to secure a material guarantee against any further hostilities from the same quarter.

4. To request them to avoid entering into any negotiations with the prince, reserving the solution of all ulterior questions to the action of the Tycoon's government, in connexion with the foreign representatives

5. To suggest that any demonstration of force in the vicinity of Osacca be avoided as possibly giving rise to some new complications, and in order not to change the character of this expedition, which ought to be regarded no otherwise than as a chastisement to be inflicted on an outlaw or a pirate.

To request the commanding officer to secure the return to Yokohama of such part of the squadron as may not be required for a free passage, as soon as the operations here contemplated shall have been completed.

Signed this 15th day of August.

R. A.
L. R.
BOBT. H. P.
D. DE G. V. P.

No. 4.

The undersigned, representatives of the treaty powers, having in view the sudden return of the Japanese mission from Europe and the conclusion of a convention at Paris, before their departure, with the government of France, by which the Tycoon engages to open the straits of Simonoseki in three months after the date of the arrival of the said envoys in Japan, have agreed and resolved—

1. To suspend the operations contemplated in their memorandum of the 15th instant until they can ascertain whether the Tycoon ratifies the said convention (so far as regards the straits) signed by his envoys in Paris or not.

2. To communicate a copy of this memorandum to the commanding officers of the respective naval forces assembled at Yokohama, and request them, in accordance herewith, to suspend all operations until further notice.

Signed this 20th day of August, 1864, at Yokohama.

RUTHERFORD ALCOCK,

H. B. M. Envoy Extraordinary and Minister Plenipotentiary in Japan.

LEON ROCHER,

Minister Plenipotentiaire de I. M. l'Empereur au Japon.

ROBERT H. PRUYN,

Minister Resident of the United States in Japan.

D. DE GRAEFF VAN POLSBROCK,

Consul General and Political Agent of H. N. Majesty in Japan.

No. 5.

LEGATION OF THE UNITED STATES IN JAPAN,

Kanagawa, August 19, 1864.

No. 79.] I have the honor to request your excellencies to inform me whether his Majesty the Tycoon approves of the convention made in his behalf, by his

ambassadors, with his Majesty the Emperor of France, to open the Inland sea by the removal of the obstructions at Simonoseki, and will carry the same into immediate effect, as such information may have an important influence on my action.

Should your excellencies not be able to reply to this at once, I desire to have an interview with your excellencies, and should be pleased to have you appoint as early a day as Tuesday for such conference.

With respect and esteem,

ROBERT H. PRUYN,

Minister Resident of the United States in Japan.

Their Excellencies the MINISTERS FOR FOREIGN AFFAIRS, &c., Yedo.

No. 6.

I received and fully understood your letter dated the 19th August. Should the convention be carried out, it is certain that civil commotion would be the immediate result, ultimately leading to a rupture of the friendly relations between the two countries. These circumstances were fully stated to the French minister, and the convention (signed in Paris June 20, 1864,) was annulled, which we request your excellency to take into consideration.

Stated in reply, with respect and esteem, the 24th day of the 7th month of the 1st year of Genji, (25th August, 1864.)

MIDSUMO IDSUMI-NO-KAMI.

His Excellency ROBERT H. PRUYN,

Minister Resident of the United States of America, &c., &c., &c.

No. 7.

Memorandum.

The undersigned, representatives of treaty powers, having met in conference in order to communicate to each other reciprocally the several answers received from the ministers of the Tycoon relative to the convention signed in Paris on the 20th of June last by his excellency the minister of foreign affairs and the Japanese envoys—

The representatives of Great Britain, the United States of America, and the Netherlands state that, in answer to the demand addressed by them, respectively, on the 21st and 22d instant, to the minister of foreign affairs at Yedo, their excellencies have declared officially that it was impossible for the Tycoon's government to give execution to the article of the convention relating to the opening of the straits of Simonoseki.

His excellency the minister plenipotentiary of France states, for the information of his colleagues, that notwithstanding his efforts to obtain from the Gorogio the ratification of the convention of Paris, the ministers of the Tycoon, while testifying their respect for the government of his Imperial Majesty the Emperor, have declared the Tycoon to be quite unable, and therefore categorically refused to ratify the article of the convention relative to his co-operation with France for the opening of the straits of Simonoseki.

Under these circumstances, putting aside any question relative to the consequences which the refusal of the Tycoon to ratify the convention may have—questions in the competence of France alone to discuss—and considering that the said convention, which had suspended the combined operations contemplated

in their memorandum signed on the 22d July, and the note of the 15th August last, has not been ratified, and that it is consequently without effect.

Considering further that the government of the Tycoon declares his inability, by his own efforts, to open the straits of Simonoseki, the undersigned agree unanimously—

1. To make known to the commanding officers of the respective naval forces at Yokohama the actual state of affairs, and to request they will consider as no longer in force the official communication made to them on the 20th instant, on the part of the undersigned, calling upon them to suspend operations, but that they will, on the contrary, make the necessary arrangements to give effect with as little delay as possible to the programme of measures specified in the memorandum of the 22d July last.

2. To request the said naval officers in command further to take into consideration the means of seizing some important position in or commanding the straits of Simonoseki, or otherwise in the vicinity, as they may judge most expedient or practicable, and of holding such position as a guarantee until the undersigned representatives may obtain, in connexion with the government of the Tycoon, an indemnity from the Prince of Nagato to cover the expenses occasioned to their respective governments by the expedition now to be despatched against his batteries, and until possession can be given to the Tycoon, or authorities deputed by him, of the whole line of territory coasting the straits now appertaining to the said Prince of Nagato.

The undersigned, moreover, deem it their duty to call the attention of the respective senior naval officers to the possibility, as a result of their operations, of obtaining an open port for trade in or near the straits of Simonoseki, and to invite them, with this object in view, to furnish the undersigned with such information as to the relative advantages, in a maritime point of view, of the town of Simonoseki, and other adjoining places, as their opportunities of studying on the spot the capabilities of different ports may enable them to supply.

It is distinctly understood that the indemnities of which there is question herein are solely those resulting from the action in common of the powers represented by the undersigned, and that those do not in any way affect or prejudice the right of each power, ulteriorly, to prosecute any claims it may see fit to make for separate grievances not arising out of such common action. The necessity of clearly defining and keeping distinct the present action in common of the four powers with combined forces, and any separate action which may subsequently be entered upon by one of their number, is distinctly recognized by the undersigned.

Yokohama, 25th August, 1864.

R. A.
L. K.
R. H. P.
D. DE G. V. P.

No. 8.

No. 80.]

LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, August 29, 1864.

The letter your excellencies wrote on the 30th of June last, in answer to mine of the 30th of the preceding month, has been received and fully understood.

A letter of the same date and tenor having been received by each of my colleagues also, the representatives of the four powers met in conference to deliberate on the purport of your answer, and the course to be adopted in consequence.

The resolutions come to, after long and serious consideration due to the gravity of the situation, were communicated to the vice-minister and governor for foreign affairs, appearing on the part of the Gorogio, at our request, on the 19th instant.

Having fully weighed all that was urged by the aforesaid delegates, it is now my duty to make known the result.

In the opinion of all the representatives, the answer of your excellencies of the 30th of June is virtually a negation of important treaty rights. Your vice-minister, while urging the postponement of the expedition, could not but admit that it was the duty of the Tycoon to chastise the Prince of Choshu; at the same time he confessed that no specific period could be fixed within which action would be taken. Nor could your delegates deny that there was justification in these circumstances for the course which the representatives had finally resolved upon.

The reason urged on the part of the Tycoon for past delay, while insufficient to justify the inaction complained of, failed altogether in satisfying us that within any specific time, however remote, effective steps would be taken by the Tycoon. It was evident, therefore, to all that this Daimio would go entirely unpunished unless the treaty powers themselves should take the matter in hand.

The foreign representatives have accordingly, by common consent, called upon the senior naval and military officers, without further delay, to take the necessary steps to remove the obstructions now existing to the free passage of the straits, and to prevent any similar interruption to foreign trade in that locality.

As regards the retirement of foreigners from Yokohama, and the warning of danger if they remain, your excellencies and the Gorogio now know that our respective governments peremptorily refused to entertain any proposition for the closing of the port. As to dangers menacing the settlement or the lives of foreigners, it only remains, therefore, for myself and my colleagues to warn the government of the Tycoon of the consequences of any attempt upon life or property pending the contemplated operations, when a large portion of the allied forces must necessarily be absent. This may be thought by lawless and ill-disposed parties a favorable opportunity for disturbing our tranquillity, if not for attack. But it is my duty to warn your excellencies in time that any violence or measures of intimidation or coercion tending to alarm or drive away the native population about us, or otherwise molest the residents and affect their security or trade, will be considered an act of hostility for which the whole nation shall be held responsible. And whoever the assailants may be, should any of these evils be experienced, steps will be taken to make the responsibility felt by reprisals, not only directed against Yedo, but Osacca and Kioto.

We hope, therefore, in the interest of the Mikado and Tycoon, no less than of the whole country, peace will not be disturbed here or at any of the ports open to foreign trade.

With respect and esteem,

ROBERT H. PRUYN,

Minister Resident of the United States in Japan.

Their Excellencies the MINISTERS

FOR FOREIGN AFFAIRS, &c., &c., &c., Yedo.

[Translation.]

First intelligence of the battle at Kioto, by an overland courier.

KIOTO, August 20.

This morning, at daybreak, a battle has taken place between Aisoo and Choshu with artillery. All the streets from Jebisugawa Josai Karasoomaro to Tyamatshi have been destroyed by fire. The inhabitants have left the town.

[From Ohosaka.]

Kikawa, kiumots-a-karo (minister) of Choshu, has arrived here with 5,000 men to advance upon Kioto. Re-enforcements are following. They are advancing towards Fusimi. Great panic prevailing at Kioto.

In haste.

Extract from a private letter from a merchant in Kioto.

This morning, at daybreak, from the other side of Katsuhagawa, (a river,) bands of people of a suspicious appearance were seen advancing, collecting together into a large mob. They attacked the west end of Kioto and committed violence, and advancing towards the palace of the Mikado, supposed with the intention of seizing or capturing the person of the Mikado. The guards got ready and made preparations for the defence of the gates. Now a band of soldiers, supposed to belong to Choshu, opened fire with small and large guns, advancing at the same time to the number of 500 or more. A large fire was raging at the same time, and destroyed the houses from the west end of the town, advancing rapidly towards the Mikado's palace. The troops guarding Kioto, belonging to Matsdaira Higo-no-kami (Aisoo*) and Todo,† as also the troops sent from Yedo, guarded one side of the palace, which position was attacked by the soldiers of Choshu, and a serious engagement took place on that spot, as great numbers of wounded and killed on both sides show. I have not arrived at the particulars of the fight, but shall send them afterwards. The Mikado is well protected, but as the fire is still raging, the panic is great among the merchants and citizens.

HI KOHE,
of the house of Yanagia.

Report of the messenger from Otsu, a village three miles from Kioto, on the Tokaido.

Before daybreak, on the 20th instant, the troops of Choshu assembled on the hill, Tennosow, (near Kioto,) in the temple of Tenlonsi, and advanced suddenly towards the town of Kioto. A fight began with the guards of the Mikado's palace. On both sides big guns were continually firing. At 3 o'clock in the morning a column of smoke and fire was seen rising from the Choshu's yankis (residences of Choshu) in the Kawaramasoo and in Fusimi, apparently set fire to inside. The fight near the Mikado's palace was in the mean time increasing. At mid-day the wounded and killed were lying about in heaps. The houses of the Mikado's officers, named Iakatsukasa and Kusio, were burned. The streets were also set on fire on the west side Termatshi, on the east side Karasoomaroo, all burning at the same time. In the night of the 20th nearly the whole town was laid in ashes. On the 21st the temples of Kiomilu and Kodaisi and Awada Sisigtani were fired upon with large guns and set on fire, which burned up to the castle called Nigio. The Mikado has been obliged to fly to the temple of Hiyesan, five ri from Kioto. The battle is still raging, whilst the empty plains of Kioto are filled with soldiers dressed in armor. The citizens have all left the ruins.

This letter left on the 21st August, at 8 o'clock in the morning. Received in Yedo at 8 o'clock of 25th August.

P. S.—From Yedo.—Troops are going up daily to Kioto and passing the Tokaido. Several hundred of Choshu's men were turned back on the Tokaido by Satsuma's men, sent from their Yedo Yanki.

* Aisoo is also called the Shigochoh, commander-in-chief of Kioto.

† Iwaba Tango-no kami, the present representative of the Tycoon in Kioto.

Mr. Pruyn to Mr. Seward.

No. 61.]

LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, October 1, 1864.

SIR: A portion of the fleet has returned from the straits of Simonoseki, bringing the intelligence that on the 4th, 6th, 7th, and 8th day of September last, the batteries of Choshu, commanding these straits, were entirely destroyed, the magazines blown up, shot and shell thrown into the sea, and the guns, to the number of nearly seventy, carried away. The prince made an unconditional surrender, and agreed to pay such sum as the ministers of the treaty powers might demand for the expenses of the expedition.

Ensign Pearson, of the *Jamestown*, who was placed in command of the United States chartered steamer *Takiang*, I am happy to say, conducted himself so as to receive the special written thanks of Admiral Kuper, commanding the combined fleet, and a large bronze 32-pounder gun was assigned to said ship as a trophy. The 30-pounder gun of the *Jamestown* was used by him with such precision and efficiency as to command universal admiration. The wounded of the British were placed on board that ship, in charge, in part, of Dr. Vedder, of the *Jamestown*.

I hope, *via* California, in a few days, to send you the details of this affair, and various papers, which will furnish additional proof to those heretofore forwarded, of how favorably the expedition is regarded by the government and how necessary and unavoidable it had become.

As soon as Admiral Kuper returns with the balance of the fleet, the ministers will have an interview with the government to consider propositions already engaging their attention, among which are:

1. The open declaration by the Tycoon of his disapproval of the course of the reactionary party.
2. The ratification by the Mikado of the treaties.
3. The payment by the Tycoon of the expenses of the expedition, in behalf of Choshu, on the opening of a port at Simonoseki.
4. The imperialization of so much of the territories of Choshu as command these straits.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,

Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, &c., &c., &c.

Mr. Pruyn to Mr. Seward.

No. 62.]

LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, October 12, 1864.

SIR: I had the honor, in my despatch No. 61, of the 1st instant, to inform you of the return of the fleet and the results of its operations at the straits.

The government immediately despatched officers to confer with the ministers. The gratification of the government was quite apparent, though shaded by a slight tinge of mortification that so little valor and capability of resistance had been displayed. On the return of the fleet, it was determined at once to ask for an interview with the Gorogio, to confer on subjects which we had indicated through its agents, in order that they might not be unprepared for instant decision.

The Jamestown being in quarantine, in consequence of the prevalence of several cases of small-pox, the British minister and admiral kindly placed at my disposal her British Majesty's steamer *Argus*, in which I proceeded to Yedo, and remained during my stay there, as the legation was not in a condition for occupation, being still unfinished. I have not failed to acknowledge this courtesy.

The first conference was formal and inconclusive, in consequence of the large number of governors and other high officials in attendance, in whose presence the Gorogio did not wish to discuss the delicate questions proposed. It was, therefore, arranged that the British minister and myself should have a confidential meeting with the Gorogio the ensuing day at twelve o'clock, and that the French and Netherland ministers should join us at two o'clock, bringing with them the officers of the fleet for presentation.

This interview was closed with the presentation of letters to the Tycoon, which myself and my colleagues of Great Britain and France had prepared in consequence of the disturbed aspect of affairs, and which the Gorogio said they would immediately bring to the notice of the Tycoon.

The memoranda of these conferences and of the preparatory meetings with the agents of the Gorogio are so full as to render it unnecessary for me to enter into any detailed statement.

On the second day we were received by three ministers, two vice-ministers, and several governors for foreign affairs, with very great cordiality. Indeed, I have never seen the Gorogio so animated and friendly, nor been present at any interview where so much interest was shown, and at which all the ministers participated in the discussion. The result was, that a promise was given that all the restrictions, which they admitted they had imposed on trade, should be removed; that the Tycoon's government would assume and pay all indemnities for outrages committed by Choshu, and the expenses of the expedition against him, if our governments preferred to receive the same, rather than to have another port opened in the vicinity of the straits. We were careful to say that our governments did not desire to impose pecuniary fines; it was not money, but their friendship and trade, that we wanted. The Gorogio replied that they would prefer to assume the payment of the indemnities; that it was impossible for them to agree to open another port at the time one of their number was on his way to the Mikado to induce him to withdraw his order to close those already opened.

We then urged the necessity of procuring the Mikado's ratification of the treaties, and we were assured every effort would be made by the Tycoon, and without delay, to procure such ratification.

You will remember that as early as the 27th June, 1863, (despatch No. 45.) I had the honor to invite your attention to the necessity of this, and to declare my conviction that peace and quiet could not prevail until the Mikado was thus in accord with the Tycoon; and it is exceedingly gratifying to me that my colleagues have so fully and heartily concurred in those views. You will perceive, in my letter to the Tycoon, I was careful to say that this was desired for the sake of the internal peace and quiet of Japan, and not to acquire any rights. Our treaties with the Tycoon were sufficient for every purpose, except that of preventing intrigues and opposition to his government by combinations of Daimios.

The Gorogio gave each of the ministers a letter, agreeing to pay indemnities, and promised, within eight days, to send commissioners with full powers to agree upon the sums to be paid to each power, and to arrange all undecided questions as to further facilities of trade at the open ports.

It is not possible to believe that the government of the Tycoon would have dared to agree to any such proposition, had it not felt that their power was

strengthened by the prostration of the prince who stood forward as the representative of Japanese isolation and intolerance.

The ministers of the treaty powers, when they decided on the expedition to the straits of Simonoseki, with instructions to commence hostilities against Choshu, the prince of the provinces of Suwo and Nagato, without further notice or negotiation, assumed a grave responsibility which they would gladly have transferred to their respective governments had delay been compatible with a proper regard to the interest or even the safety of the citizens and subjects of these governments in Japan. From their own observation, and the conclusion arrived at after interview with the high officers of government, they could not fail to be impressed with a feeling of insecurity created by the increasing strength of the hostile party, which was, moreover, acquiring solidity, and even governmental sanction, through the influence it had over the Mikado, who sympathized with and adopted their views.

Though the treaties are to some extent the cause of trouble in Japan, they are, to a much greater extent, the pretext eagerly embraced by intriguing and ambitious Daimios, some of whom are known to aspire to the Tycoonship, each hoping that, with the fall of the Tycoon, and the favor of the Mikado secured, that high position would not be beyond his reach. The fear that the Tycoon would not be able to retain his power was by no means unreasonable, and could not be overlooked in ascertaining our true position and danger. He was confessedly too weak faithfully to observe the treaties. Trade was paralyzed and threatened with entire destruction because he declared it necessary to temporize; and while assuring us of his good faith, promised the hostile and now dominant party that he only waited for the opportune moment to terminate those treaties; meanwhile, throwing every obstacle in the way of trade, the safety of the foreign powers was involved in the stability of the Tycoon's government, with which our relations exist, from which we derived whatever rights we possessed, and which, if prostrated, would leave us without a friend, and liable to be involved in the struggle which would ensue. The best place to defend the open ports was, therefore, manifestly at the straits of Simonoseki, where the strength of the hostile party might be broken before it was ready to be precipitated on these ports.

While the conferences with the government were in progress, and the expedition had been decided upon, the Prince of Nagato, (fortunately for the government of the Tycoon) taking the alarm, made a rash but ineffectual attempt to secure the person of the Mikado. A large portion of the capital city of Kyoto was destroyed by fire, but the assailants were utterly routed by the Daimios, charged by the Tycoon with its defence. The Mikado, filled with apprehension for his safety, appealed to the Tycoon, and Choshu was declared an outlaw by both these sovereigns.

The allies, therefore, not only sustained the Tycoon's government in the most effectual but in the only possible way, and, at the same time, had the good fortune to act in the interests of the Mikado.

It may be asked, why, then, was not the expedition undertaken in concert with the forces of the Tycoon?

While the Tycoon could not give any valuable or needful aid, other than that which might be derived from his avowed sanction, he would have excited the jealousy and aroused the pride of the Daimios by an open co-operation with foreigners. It would have been a violation of the procedure required by usage and ancient law against a Daimio who had subjected himself to punishment.

The treaty powers dared not wait this slow process, already prolonged a year because of the differences between the Mikado and Tycoon; and the government of the Tycoon was forced, while yielding a secret assent to the measure through its confidential agents, formally to ask its postponement, and to offer

to summon the refractory prince to Yedo; and, in default of his appearance, to array against him the power of the empire. Under these circumstances the expedition sailed.

That the representatives judged wisely is demonstrated by the papers herewith enclosed, which will show that the government, far from considering the expedition as an act of war, regard it as having relieved them from the pressure of alarm and danger, and as having imparted a degree of confidence and strength which will enable it to act with vigor not only, but for the first time with singleness of purpose and without duplicity.

The President will perceive, from these brief remarks, that I regard my course and that of my colleagues as entirely consistent with the views (enclosure No. 2, of my despatch No. 38) which I made known to the British minister, and which he did me the honor to communicate to his government.

I have been kindly permitted to read Earl Russell's very flattering reply to Sir Rutherford Alcock's despatch enclosing a copy of my letter, and have been favored with the following extract:

"There is another course of policy which appears preferable either to precipitating hostilities, or to the abandonment of the rights we have acquired by our treaties. This course of policy appears to be in conformity with the views so moderately and carefully expressed by the minister of the United States.

"This policy consists in—

"1st. Giving every encouragement and support to such of the Tycoon's ministers, and to such of the Daimios as are favorable to foreign trade, and thus lead to the ultimate weakening of the feudal system and of the protectionist theory of Japan.

"2d. To make arrangements with the Japanese government for the protection of the foreign settlement at Yokohama.

"3d. To keep for the present a strong squadron in the Japanese sea.

"4th. To endeavor to establish an understanding with the government of France, the Netherlands, and the United States, with a view to our common interests in Japan."

Earl Russell, in a subsequent despatch, shown me in confidence by the British minister, fortunately received after the sailing of the expedition, directed Sir Rutherford Alcock to refrain from using the forces of her Majesty against either the government of the Tycoon or any Daimio. I learn from the consul-general of the Netherlands that his government was consulted by the British government as to the propriety of adopting a more pacific policy in Japan, and I presume the government of the United States and that of Great Britain have had the same question under consideration.

It is my belief that the result of the expedition to the straits of Simonoseki has greatly contributed to, if it has not secured altogether, our safety in Japan. It has broken and scattered the opposition to the Tycoon, relieved him of the apprehension of dethronement, and enabled him to compel, once more, the residence of the Daimios and their families at Yedo. The abolition of this ancient usage was wrung from his weakness. While its restoration must be regarded as a retrograde movement, it is, probably, necessary at present to the preservation of the crumbling power of the Tycoon. At the same time an order, in the nature of an excommunication, has been issued by the Mikado, depriving the Prince of Choshu of the names and titles conferred on him by his ancestors and those of the Tycoon, virtually absolving his subjects from their allegiance, and making him landless and nameless. This edict is to be enforced by twenty-one Daimios, summoned to the standard of the Tycoon. Whether Choshu will be able to defy this decree, and resist, successfully, the force which may be sent against him, will depend upon his own ability and the loyalty and valor of his retainers, as well as upon the fact whether his peers wish his downfall. The Gorogio informed us that the Tycoon would deprive him of his territories and assign por-

tions to different Daimios, reserving the district commanding the entrance to the Inland sea as imperial territory. It was for this reason the government so willingly assumed the payment of the indemnities. It is probable the struggle will be protracted, as Choshu will have the advantage of a defensive position, and Japanese warfare is necessarily dilatory. But it is manifest that the operations of the allies have deprived him of his chief means of defence, and that the government takes advantage of this to assume the attitude of open hostilities. The palaces of Choshu at Yedo have been levelled to the ground. The land, being a gift from the Tycoon, can be resumed, but the buildings, according to usage, must be removed. We passed the site of his chief yaski, or palace, *en route* to our interview with the Gorogio; but it was not till long after the expedition had sailed, and until the news of its success could have reached the Tycoon overland, that his summary measure was adopted.

I, therefore, am perfectly satisfied my course will meet the approval of the President. While I am not able positively to say, and with entire confidence, that peaceful relations are fully assured, I am able to state that our position in Japan would not have been tenable if a more pacific policy had prevailed, and that what has been done will prove our best guarantee against matured hostilities, which would involve a greater expenditure of blood and treasure, and possibly a war with the entire country.

I thank the President most heartily for the confidence he has bestowed on me, and for leaving me unfettered by any instructions other than the expression of his wish that peaceful relations might continue; and the more so, that it enables me to say, without the appearance of preferring a complaint, that it is my deliberate conviction that no other course can be adopted with safety or honor, and that the minister accredited to this government should be clothed with full powers and free from specific instructions, which, though wise when given, may become, even while in transitu, entirely inapplicable, in consequence of the changed aspect of affairs, and that the incumbent, if undeserving of this confidence, should be superseded as soon as possible by a minister who, by his prudence, wisdom, and experience, shall be entitled to receive the entire confidence of the President.

The three ships-of-war which had been temporarily left by the admiral at the straits returned to this port on the 10th instant, bringing envoys to the foreign ministers from the Prince of Choshu.

I must confess this prince has my sympathy; an open foe is much to be preferred to a deceitful and doubtful friend. He has acted with consistency, vigor, and boldness. He now desires peace, and his past history will probably prove a guarantee for his future sincerity. If, as I think is highly probable, he shall escape the destruction now threatened, perhaps, on payment of a large fine, little damage need be apprehended from his open hostility, and probably as little from his secret opposition.

The mission sent by him is a very significant proof of the thoroughness with which the work of repression was carried out, and will, without doubt, have a salutary influence on all the Daimios, as well as the government itself.

I have the honor to enclose—

No. 1. The Prince of Choshu to United States admiral.

No. 2. Mr. Pruyn to Sir Rutherford Alcock, acknowledgment of courtesy in placing her Britannic Majesty's ship *Argus* at my disposal.

No. 3. Mr. Pruyn to his Majesty the Tycoon.

No. 4. Sir Rutherford Alcock to same.

No. 5. Monsieur Leon Rocher to same.

No. 6. Memorandum of conference with confidential agent, Takemoto, September 18, 1864.

No. 7. Memorandum of conference with the same, September 23, 1864.

No. 8. Memoranda of conference with the Gorogio, at Yedo, on the 6th and 7th of October, 1864.

No. 9. Letter from the Gorogio members on duty, agreeing to pay indemnities.

No. 10. The Prince of Choshu to Mr. Pruyn.

No. 11. Memorandum of conference with his karo, or secretary, at Yokohama, October 10, 1864.

No. 12. Circular to Daimios and sentence of the Prince of Choshu.

No. 13. The Prince of Choshu to Mr. Pruyn.

I have the honor to be, very respectfully, your most obedient servant,

ROBERT H. PRUYN,

Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

No. 1.

An humble petition to the United States Admiral.

The instructions of the Emperor of Japan and those of the Tycoon are different. Because, in obedience to the Emperor's commands, I, at Simonoseki, fired upon foreign vessels, I have received the name of rebel.

When I appeared to be acting in opposition to the imperial orders, a messenger came from the foreign nations to make it known to me and demand its discontinuance. This being the case, Nagato-no-kami (son and heir) went on horseback to Kioto to learn the Emperor's will. Before arriving there, an insurrection having arisen in Kioto, there was no alternative but to return without having accomplished the mission. Three days ago I heard your illustrious country's ships had come to Ituna Sima. I sent a messenger, Mr. Ama, to you by boat, to say that I did not care whether you passed through the straits or not. Whilst on his way you left the island and the boat returned, thinking to reach you from Simonoseki. Much time having elapsed, in the interval war broke out.

For this inability to prevent its breaking out I am exceedingly sorry. I have not, from the first, hated foreigners. I consider this war a great affliction to thousands of people. I desire nothing but amity. Please consider the subject well. Further particulars Mowou Idsumo, my minister and his associates, will make known to you.

First year of Genji, eighth month, ninth day, (September 9, 1864.)

MA'TWDAEIA DAIZEN-NO-DAIBOO.

No. 2.

No. 93.]

LEGATION OF THE UNITED STATES IN JAPAN,

Kanagawa, October 10, 1864.

SIR: I beg to present to you, and through you to Vice-Admiral Knper, my thanks for placing at my disposal her Britannic Majesty's steamer Argus for my accommodation, (the United States ship Jamestown being in quarantine,) on our recent visit to Yedo, and to Commander Moresby for his courteous and kind attention while on said vessel.

It will give me great pleasure to inform my government of this act of considerate courtesy.

I have the honor to be, sir, your most obedient, humble servant,

ROBERT H. PRUYN,

Minister Resident of the United States in Japan.

SIR RUTHERFORD ALCOCK, K. C. B.,

Her Britannic Majesty's Envoy Extraordinary

and Minister Plenipotentiary in Japan.

No. 3.

No. 90.]

LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, October 4, 1864.

SIRE: The President of the United States is unable, by reason of the great distance which separates our country from Japan, to address to your Majesty considerations, and to offer advice such as, in great emergencies, those invested with supreme power frequently offer to the presidents and sovereigns with which they are in alliance.

Believing that I shall thereby most acceptably discharge my duty, I have, in concert with my colleagues, come to the grave resolution to address to your Majesty direct such observations in reference to the present attitude of Japan as may serve to show the imminence of the danger which, in our judgment, threatens it, and the only course which can be taken to avert it. I am confident your Majesty will not only excuse the liberty, but will give those observations that candid and mature consideration which is due to them, as coming from the representative of a nation animated by sincere friendship for your Majesty personally, and a disinterested desire for the prosperity of your empire.

The governments with which your Majesty has made treaties regard those treaties as clothed with every sanction necessary to their validity and force. Nor can your Majesty, without a sacrifice of honor and sovereignty, allow any of your subjects to deny your perfect right to make such treaties. Your Majesty will, therefore, understand what I say as neither intimating nor admitting that any public act is necessary to confer rights on the treaty powers not already acquired.

Their representatives cannot, however, shut their eyes to the fact that several turbulent and hostile Daimios, in order to promote their own selfish purposes, have endeavored to bring into collision the authority of your Majesty and the Mikado—to interrupt your cordial relations, and to render antagonistic powers which, for more than two centuries, have been exercised in entire harmony.

They have, unfortunately, been successful in making the Mikado believe that the treaties were injurious to Japan, and that they could be annulled. This he has called on your Majesty to do, leaving no option between opposition to his wishes and a violation of the treaties, which would eventuate in war.

Not, therefore, for the purpose of acquiring any rights or privileges for themselves, but for the preservation of the ancient polity and laws of Japan, and the continuance of the exercise of powers by your Majesty and the Mikado, which have been so long in harmonious action, the treaty powers, through their representatives, would urge the immediate necessity of inducing the Mikado to give those treaties his high sanction, and thus removing every cause of opposition and existing inducements for hostile combinations.

Your Majesty has endeavored to reconcile the obligations thus imposed by the Mikado with those assumed with the treaty powers. Their representatives, appriciating the difficulties of your position, have been disposed to exercise great moderation and forbearance. But your Majesty must now be satisfied that the time has arrived when it is necessary for you to declare that the treaties must and shall be faithfully observed, and to abandon all half-way measures.

I should not discharge my duty if I failed to declare that the treaty powers cannot abandon the rights acquired under these treaties, and that continued violations of them by the subjects of your Majesty may subject the whole empire to measures of repression and reprisal, which have hitherto, fortunately, been confined to comparatively small districts.

Peace, both at home and abroad, can be best secured by a fair and open policy, which shall avoid holding out expectations to the hostile party which can never be realized, and encouraging combinations which will be made stronger by concession.

The United States earnestly hope that your Majesty will be guided by such wise counsels as shall enable you to preserve friendly relations with the treaty powers by observing the treaties with perfect fidelity, and by disarming all opposition to your rightful authority.

I have the honor to be, sir, with great respect, your Majesty's most obedient, humble servant,

ROBERT H. PRUYN,

Minister Resident of the United States in Japan.

His Majesty the TYCOON of Japan, &c., &c., &c.

No. 4.

YEDO, October 5, 1864.

SIRE: At the present moment, when a grave resolution is about to be taken, of a nature to influence the relations of your country with foreign powers, I conceive it my duty, as the envoy extraordinary and minister plenipotentiary accredited by my sovereign to your Majesty, to submit for your appreciation the following observations bearing upon the actual situation, in order to define with precision the real questions at issue, which it is becoming each day more urgently necessary to solve in a satisfactory manner.

The experience of the last few years has abundantly manifested that there exists a want of accord on the subject of foreign relations between the Mikado and Tycoon. Public proclamations and official declarations of the members of the Gorogio to the foreign representatives have otherwise placed the fact beyond all doubt.

The Mikado requiring the abrogation of treaties, has reduced the Tycoon to the alternative of either disobeying his legitimate sovereign, or bringing on his country all the calamities of a war against four of the greatest powers in the west; for to annul treaties, entered into with them without their consent, is to declare war.

The Tycoon, desiring to avoid both of these fatal contingencies, has hitherto sought a solution of the difficulty by half measures, equally distasteful to the Mikado and to foreign powers.

Hence the formal demand for the abandonment of Yokohama, and the hostile act of Daimios forming a Sako party. The treaty powers have replied by the despatch of military and naval forces adequate to the protection of this port and the destruction of the batteries and defences of the Prince of Nagato.

The Mikado can no longer be under any illusion, therefore. If he continue to secure the abrogation of treaties, he must also desire war.

It is for the Tycoon, who knows all the danger of the situation, to anticipate and prevent the fatal consequences. The time for half measures has passed irrevocably. The four great powers, having material interests in Japan, can no longer suffer their own dignity and the interests of their subjects to be called in question.

A solution of the difficulty has become indispensable, and the only one that promises either peace or security is the ratification of the treaties by the Mikado.

This act, which offers *the only guarantee which the treaty powers can accept*, will put an end to a situation becoming each hour more pregnant with danger. This basis once laid, it would be easy to come to a mutual understanding as to the reconstruction of the rest of the edifice and the maintenance of good relations.

It is with the view of indicating this solution, sire, and, above all, to lead you to comprehend that it ought to be *immediate*, that I have determined, after

communication with my colleagues, to address this letter personally to your Majesty, persuaded that the frankness and loyalty of its language, if listened to, will prevent calamities which must result from a continuation of the policy hitherto followed in regard to foreigners by the government of your Majesty.

With the highest respect,

RUTHERFORD ALCOCK.

Memorandum of a conference held at Yokohama, September 18, 1864.

Present: Sir Rutherford Alcock, K. O. B., her Majesty's envoy extraordinary and minister plenipotentiary; Monsieur Leon Rocher, minister plenipotentiary of his Imperial Majesty the Emperor of the French; Robert H. Pruyn, esq., minister resident of the United States; Monsieur de Graeff Van Polsbrock, his Netherland Majesty's consul general and political agent; Takemoto Kai-no-kami, principal governor of foreign affairs and confidential agent of the Tycoon; Shibata Hinga-no-kami, governor of foreign affairs; Kolimoto Kai-no-kami, Ometske of the first class.

The British envoy informed the Japanese officials that her Majesty's ship *Perseus* arrived, as he had anticipated, only a few hours after Takemoto had taken his leave yesterday. By this vessel despatches had been received from the senior naval officers by his colleagues and himself, acquainting them that in two days the whole of the batteries of the Prince Nagato had been silenced, and the force collected for their defence defeated and entirely dispersed. All the magazines had been destroyed the day following and the guns taken on board the fleet. On the day after the fleet commenced the attack the prince sent on board to sue for peace, but his agent having no plenipotentiary powers was sent back, and the next day a minister of the prince, with proper credentials, went on board the flag-ship of Admiral Kuper, and, in his master's name, again sued for peace. At that interview it was proposed that the prince himself should come to Simonoseki, if he desired peace, and hold a conference with the senior naval officers to arrange the terms for a cessation of hostilities, with guarantees for the permanent maintenance of a free passage through the straits. In the mean time no hostilities on either side should be continued. It was then arranged that this conference should take place on shore on the 14th instant. The admirals afterwards steamed through the straits, visiting the several points where batteries had been erected, and which already had been dismantled by the allied forces.

From all which the British envoy observed there was this conclusion to be drawn: That the Prince of Choshu, notwithstanding all his vaunted power and long preparation in a position of great natural strength, had been utterly unable to defend his batteries against the allied forces, and in three days, all his troops having been defeated and dispersed, not a gun was left in any of his forts, and he himself had found it necessary to sue for peace. But there was another conclusion brought out by that which followed these events. The prince declared that hitherto he had only acted under the orders of the Mikado and the Tycoon; that he had no enmity against foreigners, but was perfectly willing to enter into friendly relations.

Such being the substance of the news brought by the *Perseus*, and the result of the operations against the Prince of Choshu, who had held the straits closed by batteries for fifteen months, it was now necessary to advert more especially to the prince's alleged justification of this long violation of treaties. The prince not only declared that, as a Daimio of Japan, he had acted under the orders both of the Mikado and of the Tycoon in all that he had done, but he

further produced certified copies in Japanese of these orders. The foreign representatives, under these circumstances, desired to know what answer the Tycoon's government had to make to this direct charge of complicity.

Takemoto Kai-no-kami replied that he would shortly have something to say on this subject, but would be glad first to hear anything which the representatives might further have to communicate.

The French minister said he was of opinion, in concert with all his colleagues, that the present was a very critical moment in the relations between foreign countries and Japan, and that the time had arrived for a total change in those relations. Hitherto the foreign representatives had suspected that the Tycoon, under the pressure of many difficulties, had been led to play a double part, which, however calculated in one point of view to secure his safety, was on the other full of peril to the foreigners in Japan, and, as they conceived, not without some danger to himself. He had often seemed to be playing into the hands of the Daimios, most hostile to the maintenance of foreign relations, and to be seriously preparing to put a stop to these, while at the same time he professed to the several treaty powers a very earnest desire to maintain intact all the rights conferred by existing treaties. But now it was no longer a matter of suspicion, but of certainty; and the documents placed in the admiral's hands prove that the whole of these outrages and flagrant violations of treaties by the Prince of Nagato were really the acts of the Mikado and Tycoon, since done under orders, which might easily be interpreted to sanction, if not to prescribe, the exact order of proceedings adopted by the prince. The time, therefore, had come for dropping all mask and adopting a totally different policy; and unless the Tycoon, strengthened and materially aided as he must be by this complete victory over the Prince of Nagato and by such support as the foreign representatives were in a position to render him, would undertake, without further temporizing, to put himself in accord with the superior authority of the Mikado in this matter of the treaties, obtain his sanction, and give entire execution to all their stipulations, an opportunity not likely to occur again would be lost in the Tycoon's interest, not less than theirs.

Takemoto Kai-no-kami, in reply, stated that he fully agreed with the opinions just expressed; that this was a very critical moment, and it behooved the Tycoon's government to take advantage of it in the way indicated. In regard to the charge made by the Prince of Choshu, and the written orders he produced in justification, he, Takemoto Kai-no-kami, had to remark—

1st. That the order, such as it was, had been transmitted, not by the Tycoon, but by an act of treachery on the part of persons, about the Mikado, and without competent authority.

2d. That it did not order the prince to fire upon foreign ships, and the proof that such was not its proper meaning might be found in the fact that although a similar order was communicated to all the other Daimios, he alone had put that interpretation upon it because it suited his own designs.

To this the American minister replied, that although it was true the order was not in express terms to fire, yet as it declared the intention of the Tycoon to cease all intercourse with foreigners on the 20th June, 1863, the prince might naturally draw the inference that he was expected to treat them as enemies.

Takemoto replied, that such acts were contrary to the Tycoon's wish was further established by his sending down an aide-de-camp at once to cause the prince to stop firing, and this emissary was murdered in the territories of Choshu.

As to the appearance of double dealing on the part of the Tycoon's government on the one side, concerting measures for the closing of the port of Yokohama, and, on the other, for maintaining the treaties in their integrity, the Tycoon had hitherto been, as the representatives well know, in a position to make something of this kind unavoidable, in the interest of foreigners as well

as for his own sake; since, had he openly refused to carry out the orders received from the Mikado for the expulsion of foreigners, he was liable to be deposed, and his dynasty might be destroyed. Now, however, that the Prince of Nagato had been defeated by the allied expedition, there was certainly a great opportunity for putting an end to whatever was ambiguous in the position of the Tycoon as regarded the foreign powers; but, in furtherance of such end, it was essential that the allied squadron should be recalled to prevent all chance of collision with other Daimios and new complications arising.

The American minister then observed, that it was evident from the tenor and urgency of this demand, which Takemoto had been no doubt instructed to make, that the Tycoon was still inclined to pursue the policy of conciliating the hostile party, whereas he now occupied a vantage ground, secured to him by the action of the treaty powers, which relieved him from such subservience. He was no longer under the necessity, which it was pleaded had hitherto controlled his free action, of presenting one face to the treaty powers, and another to his own subjects. The power of the hostile party was now broken, and the Tycoon was now able to act with security. He would accordingly be expected to prove his good faith, by strictly observing the engagement entered into by treaties, and no longer holding out expectations of their modification. The Tycoon must know, by this time, that such modifications as the hostile party contemplated would never be acceded to. So far as the Tycoon was concerned, the representatives present had indeed the assurance that they were only asked for the purpose of gaining time, and not with any hope of ultimate concession. The temporizing policy hitherto followed, however, had greatly aggravated the evils which the Tycoon professed to be desirous of remedying; and the safest course, as well as the wisest, would now be found in a faithful observance of treaties, without pretence at negotiation for their modification or apparent concessions to those who only sought their entire nullification.

Takemoto said, that believing, with the foreign representatives, the present time very favorable for efforts at Kioto to place the relations of Japan with foreign countries on a better footing, he was all the more anxious that the fleet should immediately return, and especially that no troops should be left to occupy any post in the Inland sea, lest new complications or collisions should arise which might seriously interfere with the success of efforts now to be made.

The British minister replied, that it had been determined by common consent to keep an effective hold upon the straits until satisfactory arrangements were entered into by the Tycoon's government, both as to the navigation of the Inland sea and the better maintenance of treaty rights generally. Either the Tycoon must find the means of bringing the Mikado and hostile party of Daimios in accord with him for the maintenance of treaties, or the western powers might find themselves compelled to go beyond the Tycoon, and enter into relations with the Mikado. It has been already suggested that a new order of things might at once be established, if the Tycoon would take advantage of the recent blow dealt at the Sako party in the person of Choshu. Advantage might also be taken of the intimation now conveyed, that unless some agreement could be come to on the subject of treaties between the various conflicting powers in Japan, foreign states might, however reluctantly, find themselves compelled, in self-defence, to take steps which would bring them in more or less direct relation with the Mikado, and those Daimios who had hitherto supported him in a hostile course of action. Hitherto the Tycoon had always been considered as the treaty-making power in Japan, and the sole representative of government in relation with foreign states; but it is continued to be demonstrated that the Tycoon has not the necessary authority, and was so completely overruled by a superior power in the state as to be unable to prevent or resist orders for the rupture of treaties, however well disposed he might be to main-

tain them. Foreign powers would sooner or later have no alternative but to seek the superior power in the state and make their own terms.

Takemoto Kai-no-kami observed that, agreeing in much that had been suggested, he was nevertheless not in a position to make any definite answer in so grave a matter. He would, therefore, at once proceed to Yedo, to report all that had been said. In the mean time he must still urge the importance of immediately recalling the fleet to prevent all chance of new collisions.

The French minister wished to ask Takemoto two or three questions : First, if the Tycoon could now obtain the full concurrence and support of the Mikado in the maintenance of foreign relations and existing treaties, would the Tycoon then find it possible to give them full effect, and to deal with any recalcitrant or rebellious Daimios, now especially that Satsuma and Choshu, two of the most powerful having tried their strength against foreign powers and failed, were no longer hostile.

Takemoto answered without hesitation, Yes, certainly.

The French minister then asked whether it would not be very inconvenient to the Mikado to receive the foreign representatives in Kioto.

Takemoto smiled and said, Undoubtedly it would be very inconvenient.

Then, continued the French minister, would it not be much better for the Tycoon to profit by this opportunity so happily afforded by the recent defeat of the Prince of Nagato, and the great discouragement it must be to the Sako party, and prevent any necessity arising for such a step ?

To which Takemoto replied also in the affirmative ; observing that such, indeed, would be the desire of the Tycoon, and he, Takemoto, would immediately hasten to Yedo that the Gorogio and Tycoon might be informed, without delay, of all that had passed, and of the whole bearing of the important events which had taken place in the straits.

The British minister summed up by saying it was desirable the high officers now present should return to Yedo impressed with two leading facts : First, that the time had arrived for a total and radical change of policy on the part of the Tycoon in respect to the Sako party and the foreign powers ; abandoning all attempts to temporize with and conciliate the former by seeming to consent to measures for the expulsion of foreigners one day, or by the stoppage of the trade another.

This, it was observed incidentally by the representative of the Netherlands, had been done in regard to the silk coming to this port quite recently, and it ought to be allowed to come forward at once as a first indication of this change of policy.

Takemoto replied affirmatively, and that steps were taken to that end.

And secondly, the British envoy then continued, he trusted they would leave the conference with the conviction that it was impossible for foreign powers any longer to let their rights and national interests in the country be perpetually damaged and sacrificed between the two conflicting authorities of the Mikado and Tycoon. It followed, therefore, that either the Tycoon must find means to reconcile the two, and successfully assert his power to execute the treaties fully, or measures must be taken into the consideration of foreign governments for arriving at a satisfactory result by other means than representations to the Tycoon, courteously listened to always, but wholly inoperative.

In the mean while, anxious to give every support to the Tycoon in his efforts tending to this end ; desirous of avoiding any cause of embarrassment that might interfere with his action in this direction ; willing, even, to strengthen Takemoto's hands in the arduous work on which he had now been employed, he might go back to the Tycoon with the assurance that the admirals would speedily return with the greater part of the force ; and no permanent position would at present be taken on shore to command the straits. On the other hand, having at no slight cost obtained such important results, as the removal of all the impediments

to the free navigation and the submission of the Prince of Nagato, it was out of the question their immediately relinquishing these material and political results, or exposing them to any jeopardy. A certain number of ships, therefore, would remain in the vicinity of Simonoseki to secure the free passage and strict maintenance of the terms on which peace would be granted to the prince.

The American minister observed, further, that it would be a question now whether, after the past experience, it was not essential to prevent the liability of the straits being closed at the caprice of any single Daimio.

To do this effectually, it might be necessary that so much of the territories of the prince as should be required to secure foreign trade henceforth from any such contingency should be imperialized and made over to the Tycoon's keeping. Whether, also, Simonoseki or some other port in its vicinity should not be made a port for foreign trade was matter now for deliberation.

As some indemnity for the sacrifices made by the four treaty powers to secure the removal of long existing obstructions and the injury done to foreign trade during the past fifteen months, the four treaty powers might reasonably require it from the Tycoon, and the Tycoon might be disposed to make this arrangement of his own accord, and the more willingly that there was reason to believe the concession, if now insisted upon by the admirals, could be at once obtained from the Prince of Choshu, as Daimio of the province.

The British minister observed, in conclusion, that it would be necessary for the representatives then present to confer in person with the Gorogio on this and other important matters connected with the present aspect of affairs. These subjects were distinctly mentioned now, therefore, that when the meeting took place the members of the Gorogio might not be taken by surprise and require time for deliberation, but be prepared at once to enter into the discussion of the proper measures to be taken.

Takemoto Kai-no-kami said he perfectly understood all that had been said, and, with his colleagues, would hasten back to Yedo to render an account of his mission.

The conference was then closed.

RUTHERFORD ALCOCK,

H. B. M. Envoy Extraordinary

and Minister Plenipotentiary in Japan.

LEON ROCHES.

ROBERT H. PRUYN,

Minister Resident of the United States.

D. DE GRAEFF VAN POLSBROEK.

H. N. M. Consul General and Political Agent.

No. 6.

[Confidential.]

Memorandum of a conference with Takemoto Kai-no-kami, principal governor for foreign affairs and confidential agent of the Tycoon; Shibata Hinga-no-kami, governor for foreign affairs, and Idsuri Shinzaburo Ometske, at the British legation, September 23, 1864.

It was announced, on the part of the Tycoon and Gorogio, that it had been finally resolved to abandon the temporizing and double-faced policy hitherto adopted, and from henceforth to cease making any pretence even of closing the port of Yokohama, and a member of the Gorogio would at once proceed to Kioto to make this known to the Mikado, and obtain his sanction to the public renunciation of such a policy, and, if possible, his acceptance and ratification of the treaties.

In accordance with this resolution, it was further stated, and as a material proof of good faith, that all restriction on the trade of this port should at once cease. A large quantity of silk was already on its way, and to be expected in a day or two. These two resolutions, they were directed to state, are the first results arrived at in consequence of the representations made by the four representatives in the conference of the 18th instant, when the news of the defeat of Choshu was communicated. But as the determination to take no further steps in the closing of this port cannot be made public until it has been formally communicated to the Mikado, a vice-minister will be sent to Yokohama to acquaint the foreign ministers privately.

In the mean time it was the anxious desire of the Gorogio that all the foreign ships should be withdrawn from the straits, as their presence interfered with the operations of the Daimios and Tycoon against Choshu.

In reference to which, the convention of Choshu and the question of indemnities was spoken of; Takemoto was informed that these, if pressed, would no doubt amount to a very considerable sum. It was not the desire of her Majesty's government, however, to extort money from either the Tycoon or the Daimios. Their earnest wish was rather to establish good relations for the advantage of both nations, and it was believed that the other treaty powers entertained similar views. As to the withdrawal of the ships from the straits at this moment, therefore, if the Tycoon chose to enter upon negotiation on the following basis, the objection at present existing to the withdrawal of the last ship might possibly be removed:

The Tycoon to take upon himself the satisfactory arrangement of the whole of the indemnities claimed, or to be claimed, for the past by the four powers from Choshu, and to engage either to pay the amount, or make arrangements for the opening of the port of Simonoseki (or some other port more convenient in the vicinity) in lieu of such payment, at the option of the treaty powers.

The same high officers having proceeded to the French legation, a conference on the subject took place with the French minister, who had the above minute before him.

In the first instance, Takemoto Kai-no-kami repeated the desire of the Gorogio that all the ships should be withdrawn from the straits, insisting much upon the obstruction their presence would be to the operations then contemplated against Choshu on the part of the Tycoon and Daimios summoned to his aid.

The French minister replied that if hostilities had not been pushed further against Choshu, it was because the Tycoon especially requested it, undertaking himself to complete the work to the satisfaction of the representatives. They ought to be well assured, therefore, of the sincerity of the Tycoon's promises, for there was reparation due, indemnities to be recovered, and, secondly, guarantees for the future yet wanting. But, beyond these, there was something vastly more important to be secured, and that was the ratification of existing treaties by the Mikado, and this with the least possible delay. The non-ratification of the treaties had been a perpetual cause of difficulties, since the Tycoon's government unceasingly made it the plea for their non-execution. Now there could never be a more propitious movement, or a more favorable opportunity for obtaining their immediate ratification. The means of communication with Kioto existed; the time required was short, and assuredly without this being obtained it was idle to talk of the recall of the ships.

To this Takemoto observed that their presence in the straits interfering with the Mikado's orders for the punishment of Choshu might prove an obstacle in the way of the ratification.

The minister of France replied it was difficult to conceive this. It appeared to him, on the contrary, that the Mikado, being almost within hearing of the foreign artillery, would be disposed all the more readily to listen to the demands of the Tycoon, who could very well use the presence of the fleet as an argu-

ment, showing that the ratification had at last become a matter of necessity, supposing that the Tycoon should still hesitate boldly to avow the policy of maintaining the treaties as the only course consistent with good faith or policy, and the engagements entered into with foreign powers, engagements which even at this moment had been renewed with their representatives.

Takemoto observed that this might be a very dangerous part for the Tycoon to play, as likely to arouse the hostility of the Daimios against foreign nations by an appearance of intimidation.

The minister remarked that a similar argument had been used to deter the representatives from sending the allied squadrons against Choshu, and no such result had followed. But apart from this, was it not evidently and urgently in the interest of the Tycoon himself that the ships of the treaty powers should keep careful watch of the movements of Choshu, and prevent his re-arming his batteries, which it had not been thought worth while to destroy? Once re-armed, all the junks of the Daimios, north or south, would be certain to be sunk by his guns, and their attack might fail.

Takemoto and his colleagues appeared much impressed with this observation, and admitted it was one of great weight, and deserving serious consideration, but that in so grave a matter they could only promise to report to the government at Yedo.

The minister remarked, besides, that his experience of military matters satisfied him that such an expedition as was announced on the part of the Tycoon and Daimios could not possibly be ready under two months, and one month should suffice to obtain the Mikado's ratification of the treaties. It would then be time enough to discuss whether the ships were an obstacle to their operations or not.

Takemoto replied that, as far as his own opinion went, he was satisfied of the expediency of leaving them for the present, but he must, of course, refer the whole question to the Gorogio.

The minister assented, observing that it must be evident there was between the British minister and himself, in all this matter, a perfect identity of opinion, and that their resolutions had been definitively taken. And in conclusion, he wished to know when the promised silk would arrive.

Takemoto replied: To-morrow, if the weather was fine. It was already at Kanagawa, in quantity.

Approuvé dans tout son contenu. Yokohama, September 28, 1864.

LEON ROCHES.

R. A.

R. H. P.

Memorandum of two successive conferences held at Yedo, the 6th and 7th of October, 1864, at the residence of Makino Bidzen-no-kami, minister for foreign affairs, between the undersigned representatives of the treaty powers and the Gorogio, representing the government of the Tycoon.

Present: Sir Rutherford Alcock, K. C. B., her Britannic Majesty's envoy extraordinary and minister plenipotentiary; Monsieur Leon Roches, minister plenipotentiary of his Imperial Majesty the Emperor of the French; Robert H. Pruyn, minister resident of the United States; D. de Graeff Van Polsbroek, consul-general and political agent of the Netherlands; and the following members of the Gorogio: Midsumo Idsumi-no-kami, Makino Bidzen-no-kami, Suwa Inaba-no-kami; and the members of the second council: Sakai Hida-no-kami, Tachibana Idsumo-no-kami; also, the governors for foreign affairs, and Takemoto Awadji-no-kami, confidential agent of the Tycoon, and principal governor for foreign affairs.

The British minister informed the Gorogio that in all the observations he had to offer for their consideration upon the occasion, he should speak not in his own name only, but as conveying the opinion of his three colleagues also. It was the more essential this should be understood, for they were now assembled under no ordinary circumstances. The critical situation of affairs in Japan, and the important interests at stake, make it imperative that a decision should be taken without delay as to the foreign policy of the country, and upon that decision must very much depend the possibility of maintaining good and friendly relations with the treaty powers.

The first minister for foreign affairs, Midsumo Idsumi-no-kami; replied, that the members of the Gorogio were fully impressed with the gravity of the situation. They hoped, however, that it would be possible to arrive at a peaceful solution of all the questions on which they had hitherto been at issue.

The British minister, adverting to the recent destruction of all Choshu's defences, and his total defeat, observed that it must now be manifest no hostile Daimio was strong enough to resist such forces as the treaty powers could command, and from this conviction the four representatives hoped much good would result. At Kagosima and Simonoseki proof had now been given that the treaty powers both could and would vindicate their rights by the sword, when either the lives or the trade of their subjects were attacked. Neither hostile Daimios of the Sako party, the Mikado himself, nor the Tycoon, could any longer be under the illusion that a hostile policy towards foreign powers might be carried out with impunity, or, indeed, without entailing all the calamities of a general war and a conflict with western powers, in which Japan could not hope to be victor. In the mean time, they had first to consider the position of affairs in respect to the Prince of Nagato. This Daimio, after a series of unprovoked aggressions on foreign ships, and continuous interruption of trade by every kind of violence, had been punished, his batteries dismantled, and the guns employed in such outrages taken away from him. Finding his utter powerlessness in face of such a force as had been sent against him, he had promptly sued for a cessation of hostilities, and entered into a convention with the admiral commanding-in-chief, to pay all the expenses of the expedition, together with any indemnities to be claimed for his aggressions on foreign flags since the beginning. The first thing to be ascertained was whether the Tycoon would undertake to meet these claims, and liquidate them, as agreed upon by the Prince of Nagato.

The Japanese minister replied, that Choshu was going to be punished for his offences against his own sovereign. His territories would be confiscated, and out of his estate the expenses of the expedition would be defrayed.

The British minister replied, that this did not meet his question. Would the Tycoon take upon himself the responsibility of carrying out the convention in regard to the payment of all indemnities? If so, the engagement must be wholly irrespective of the result of any operations of the Tycoon against Choshu, which might be long delayed or incomplete in their results. Choshu had also expressed his willingness to allow trade to be carried on at Simonoseki; and it seemed, therefore, only to rest with the Tycoon whether this port might not at once be opened. Without, however, insisting upon this point at present, the representatives must have a formal and unconditional engagement from the government of the Tycoon to meet all the claims for indemnities against Choshu, or they must of necessity look to him to meet his own obligations.

The Japanese ministers, after some consultation among themselves, replied that the Tycoon's government would unconditionally undertake the engagements of Choshu, as to the payment of all indemnities. As to the opening of the port of Simonoseki, it would be impossible for them to return any answer until they knew the result of a mission with which Abe Bungo-no-kami, the absent member of the Gorogio, had been charged, and who was then at Kioto.

The British minister observed, that the root of all evil in respect to foreign

relations was the want of accord between the Mikado and the Tycoon ; and that the time had now arrived when the ratification of existing treaties by the Mikado could no longer be deferred. He trusted this was the object of Abe Bungo-no-kami's mission.

The Japanese minister replied, We cannot give you any promises on this point, but every effort will be made on our part to obtain the Mikado's ratification. We perfectly agree with you that it should now take place.

The British minister, after communication with his colleagues, stated, as their united opinion, that something more definite, within a fixed period, should be promised.

The members of the Gorogio were evidently under some embarrassment, and showed hesitation in entering further into the matter in presence of all the Japanese officials present.

The British minister then observed, that as there was much of a very grave and confidential character which he and his colleagues wished to communicate freely to the Gorogio, and to them alone, in the first instance, it might be better if the conference were adjourned to the following day, when the British and American ministers would come alone, two hours before their colleagues, who would be accompanied by the naval officers of the squadrons, as previously agreed upon.

This was agreed to by the Japanese ministers, after assuring themselves that, although there would be only two of the foreign representatives present, they would speak in the name of all, with full power to act for and on behalf of their absent colleagues.

The Gorogio was then informed, that in view of the gravity of the situation, and the absolute necessity for some immediate resolution in regard to the foreign policy of Japan, each of the foreign ministers had felt it his duty to address a letter to the Tycoon, which they requested might be at once delivered. The Gorogio would find that the foreign representatives had submitted certain suggestions and opinions similar to those already known to the members of the council ; and they hoped, therefore, that before the conference of the morrow it would be possible for the Gorogio to take the Tycoon's instructions, and enter fully into the whole matter.

The Japanese ministers replied, that the letters which were now placed in their hands should be at once delivered, and by to-morrow, at noon, they hoped to have received the Tycoon's instructions.

The conference then broke up, with an adjournment to the following day, at 12 o'clock.

A. R.
L. R.
R. H. P.
D. DE G. V. P.

Minutes of a conference on the 7th August, at the same place.

Present: The British and American ministers ; the following members of the Gorogio: Midsumo Idsumi-no-kami, Makino Bidzen-no-kami, Suwa Inaba-no-kami ; and the members of the second council : Sakai Hida-no-kami, Tachibano Idsumo-no-kami ; also, governor for foreign affairs, and Takemoto Awadji-no-kami, Sh'bazu-no-kami.

The British minister opened the conference by referring to the understanding come to on the previous day in respect to the Tycoon formally engaging to liquidate all claims for indemnities against the Prince of Nagato.

After some conversation, it was agreed that a letter to that effect, to be signed by the ministers, should at once be written and delivered ; and for the assessments of the amounts, time, and mode of payment, and other details, commis-

sioners with plenipotentiary powers should be sent to Yokohama, within eight days, to treat with the foreign representatives, and settle the whole matter.

The British minister, then referring to the numerous confidential conferences which had taken place between Takemoto Awadji-no-kami and himself, as well as with his colleagues, sometimes separately and at others collectively, said that he had much desired an occasion like the present, of pressing upon the attention of the Gorogio *viva voce* the many important considerations which he conceived should at this moment determine the foreign policy of the Tycoon's government.

The ministers, with every manifestation of interest, expressed their willingness to hear whatever it was desired to communicate to them.

The British minister said the foreign representatives had three principal objects in view when they determined in concert to demand a conference with the whole Gorogio, and to proceed to Yedo collectively for the purpose.

The *first* had reference to a long series of outrages and aggressions on the part of the Prince of Nagato. He had now paid the penalty of his temerity, and been defeated in the field. The ulterior question of indemnities might now also be considered as satisfactorily settled, by the written engagement of the Tycoon's government to take upon themselves the final adjustment and liquidation. The letter to this effect was delivered during the conference, with the seal of Makino Bidzen-no-kami, in whose house the conference took place, and the only one, consequently, who was prepared with it, but with the assurance, personally given, that it was the act of the whole Gorogio.

The second had reference to a subject on which the representatives had barely touched yesterday, because they saw it was productive of embarrassment; indeed, they knew that its discussion in public could not be satisfactorily conducted. This subject was the disaccord between the Mikado and Tycoon on the question of a foreign policy, and between the Tycoon and a powerful party of Daimios perpetually urging the closing of the port as the condition of peace in the realm.

The head of this party had now been dealt a paralyzing blow by the foreign squadrons, by which his power and his prestige both must have been greatly diminished. The whole party even must have suffered great damage and been discouraged. Simultaneously they must have lost influence with the Mikado by the treasonable attack of Choshu upon his castle, and the destruction of half his capital. There could not be a more favorable conjuncture, therefore, for the successful prosecution of a negotiation with the Mikado for the ratification of the treaties and the recovery of an ascendancy by the Tycoon over the Daimios hitherto so hostile to his policy and to all foreign relations.

The Gorogio knew what was the general outline of a policy indicated to Takemoto, by which the foreign representatives conceived all parties might be conciliated, and a foreign policy established calculated to maintain good relations with the treaty powers, and put an end to all hostile combinations against them and the Tycoon on the part of the Daimios. This policy, it was explained, consisted in giving both the Mikado and the Daimios a personal interest in the maintenance of these relations and the development of trade, and in removing some of the causes of hostility where their prejudices were most hurt by particular treaty stipulations.

The ministers, while this was being very fluently interpreted by Mr. Von Seibold, manifested in various ways the deepest interest in the views submitted, and begged to hear further by what means it was conceived these great ends could be attained.

The British minister continued: The Mikado might easily be given a personal interest in the maintenance of treaties and prosperity of trade by assigning to him, as a portion of the revenue paid to him by the Tycoon, a royalty constituted by a percentage on the gross receipts of the custom-houses at the open ports. The Daimios might in like manner be conciliated by withdrawing all

vexatious restrictions and exactions prohibitory of their produce being sold at the Tycoon's ports. These restrictions were not only in violation of distinct treaty stipulations, but wholly opposed to the Tycoon's true interests; for, as the event proved, this system had raised him up such powerful enemies that they placed his life and throne in danger, and were clamoring for the closing of ports and cessation of a trade in the advantages of which they were not allowed to participate, while in various ways they had been made to feel the inconveniences attaching to all great and sudden innovations in the policy of a country.

The ministers, after much interchange of opinion among themselves, and a more animated conference with individual expressions of thought and evidence of lively interest than had ever been witnessed by any foreign representatives in Japan, replied that they had been much impressed with the line of policy traced out, and that, as regarded the hostilities of the Daimios, it was already in contemplation to move in this direction. But as regarded the Mikado it was a delicate subject, and they could hardly say yet how far such a policy would be feasible.

The American minister here observed that by no other means could the Mikado's interest in trade be more effectually secured, and, in consequence, his interest in putting down the hostility of any of the Sako party, since it would be open to the Tycoon at any time, if they made themselves troublesome, to represent to the Mikado that in so far as they might succeed in the interruption they diminished the amount of duties received, and of necessity diminished the revenue which he had to pay over to the Mikado, this being formed by a percentage on the whole.

The members of the two councils seized on this point with much interest, and evidently saw how valuable such an argument might become.

The British minister added, that among the means to be used both with the Mikado and Daimios to bring them in accord with the Tycoon, and to lead them to accept an enlightened policy, it must not be forgotten that there were some arguments which appealed to their patriotism, and others to their interests in a different way.

To the Mikado it might very truly be represented that not only were all the perils and calamities to the country inseparable from a war with western powers to be averted by his prompt ratification of the treaties at a moment when longer delay would be fraught with danger, but if even this by any more temporizing measures could be avoided, it was very certain the treaty powers, seeing all the conditions unfulfilled upon which alone they made the large concession of deferring the opening of two cities and three ports, Hiogo and Osacca, among others, would, at no long interval, if the present negotiations failed, insist, as was their undoubted right, upon the full execution of the original treaties, and the opening of these ports without further delay. If, on the other hand, the Mikado, moved by these and other weighty considerations, should determine on at once ratifying the treaties, the foreign powers would not only be more inclined to take patience, but their representatives on the spot would see in this the sure promise of peace and future improved relations. The British minister would at once, for his own part, on hearing of such an act of ratification begin to send away the British troops now collected at Yokohama, solely there to meet the danger created by the hostile action of the Mikado and Daimios, and thus material evidence would be given of a sense of security, which would do more to restore confidence and allay disturbance throughout the country than any number of decrees and proclamations.

The Japanese ministers seemed fully to understand and to appreciate the bearing and force of these remarks, and said that they would spare no effort to obtain the Mikado's acceptance of the treaties, and to this end were about to despatch another envoy, whom they then begged to present to the British and American ministers.

It was here suggested that if the Gorogio, while one of their number, or the Tycoon himself, was engaged with the Mikado, at Kioto, in this negotiation, were to remove to Osacca, and the foreign representatives also, with a portion of the squadron, were to be in the bay of Hioga, so that they could have easy access to each other and frequent intercourse, not only much advantage and more rapid progress in the negotiation would be attained, from the proximity of Osacca to Kioto, but the mere presence of both ministers and ships in that vicinity might have a good effect, as showing the urgency of the occasion, and thus strengthen the hands of the Tycoon's government.

The ministers objected to this, that it would look like a menace—would certainly be liable to be so construed both by the Mikado and the Daimios, and it would expose the Tycoon to the charge of attempting, with foreign powers, to coerce and force the Mikado, thus raising an insuperable obstacle to the success of the negotiations.

The British minister said it would not be the wish of the foreign representatives to insist, if such was the deliberate opinion of the members of both councils. Nevertheless, some definite period, say thirty days, must be fixed, within which an answer from Kioto or some result should be obtained; because, if the negotiation now going on there should not be successful, it would, undoubtedly, be the duty of the foreign representatives to lay before their respective governments such a statement of the untenable nature of the actual situation as would be calculated to lead them to adopt some decisive and serious resolution.

The Japanese ministers expressed their acquiescence in this view. They hoped the end would be attained long before thirty days, in which case they would hasten to communicate it. One means of success they had yet to obtain from the foreign representatives, and that was the withdrawal of the ships-of-war from the straits of Simonoseki. If their envoy, now proceeding to Kioto, could convey this intelligence, it would, they thought, go far to insure a successful issue.

The British minister replied, that before the conference terminated an answer should be given; but, in the mean time, of the three main objects which had led to this conference, he had only as yet touched upon two, namely, the termination of the affair of Choshu, and the necessity of accord between the Mikado and Tycoon on the subject of treaties and foreign relations. The third was not less important than the first and second; indeed, it was much more important than the first. The restrictions in trade and the vexatious obstructions and exactions to which foreign trade was subject at all the ports, and latterly the total stoppage of silk—a main staple of the trade of Yokohama—had reached such a pitch that it was imperative there should be a prompt and radical change. The government of the Tycoon had already been informed last year that the closing of a treaty port would be considered as constituting an act of war, but the stoppage of the trade of a port, or any considerable portion of it, was virtually the closing of the port; it was only a question of degree and method. The wrong was the same; the injury inflicted and the violation of treaty rights no less flagrant. This wrong and injury had now been suffered at the hands of the Tycoon's government by the merchants of Yokohama for more than three months in the great staple of silk, and it was the duty of the representatives to represent to the Gorogio that it mattered not what was the plea, there could be no justification; and if all restrictions were not forthwith removed, they would, however reluctantly, be compelled to conclude there was no faith or trust to be placed in the Tycoon's government. Takemoto, in the name of the Gorogio, had distinctly promised all obstructions should cease more than fifteen days back, and still they were maintained.

The ministers entered into rather a vague disclaimer, seeking to throw the blame on competing native dealers, but in the end they admitted that the government was not without some direct action in the matter. They repeatedly

and emphatically assured the representatives, however, that the restrictions had been already removed and should not again be imposed.

The British minister replied that he would trust to their good faith, and that they would scarcely venture to continue the same dubious course after their solemn assurances. And in that trust the force at Simonoseki should be immediately removed. But in giving them this material evidence of good will and trust the representatives expected, and would insist on having like material evidence in the free and unrestricted supply of silk; failing this, the Gorogio must know, the same power that withdrew the ships could send them back again.

The minister gave renewed assurances that the silk was already going into Yokohama—that the representatives would find this to be so when they returned.

The British minister then observed that there was much to be done before the trade at these ports could be placed on a satisfactory footing, and in accord with the treaties. These had been hitherto very persistently violated in every essential, to the great injury of foreign residents at all the ports, and of trade generally. A radical change of system and of policy was required; but, as any step in this direction would require a discussion of details as to particular abuses, it was proposed that the commission about to be sent to Yokohama with plenipotentiary powers to arrange the settlement of indemnities, should also have instruction to confer with the foreign representatives, and take decisive action for the correction of all abuses. This as regarded all the ports, and the improvement of local conditions imperatively required at the present moment—more particularly, perhaps, at Yokohama, but in all more or less—and not only as regarded trade but land and sanitary arrangements, such as had been considered and assented to in conference with the commissioner Sibata Hinga-no-kami, now present, sent down for this purpose on the 8th of September last.

The ministers agreed that the commissioners about to be sent should be so instructed, and duly empowered to carry into effect whatever arrangements should be decided upon.

The British minister observed that, although a whole month had elapsed since Sibata, together with the governor of Kanagawa, had conferred with the American minister and himself, and agreed upon certain measures as both reasonable and necessary for the enlargement of the settlement in several directions—the buildings of the abattives, the construction of a road away from the Tokaida, for recreation and exercise, &c.—not a single step had been taken towards carrying them into execution. It was necessary, therefore, to impress upon the Gorogio that any further delay or inaction in all these matters should be looked upon by the foreign representatives as a breach of faith on the part of the Gorogio, and would only lead to complications which they must feel it was very desirable, in the interest of both parties, to avoid.

The ministers replied, that all necessary instructions would be given, and the requisitions of the foreign representatives should be promptly attended to.

The British minister observed that, in order to insure this result, it was thought very desirable that some one or more of the high officers most familiar with the subject, and who had already discussed it with the foreign representatives, should be sent to Yokohama with plenipotentiary powers. Sakai Hida-no-kami, for instance, had been employed on a similar commission, now three years ago, and although they had to regret that many of the engagements then entered into, and the material improvements determined upon, remained yet to be carried out, they thought, for that very reason, indeed, as well as from previous knowledge, Sakai would be a very fit person to be appointed. The same might be said of Takemoto, and of Sibata Hinga-no-kami, as employed on the last occasion—the latter, especially, as having already understood and generally acquiesced in the necessity and expediency of the amelioration and improvements contemplated.

The ministers, after a good-humored disclaimer on the part of Sakai of his being a fit person, agreed that the suggestion should be borne in mind when the commission was named.

The British minister said it was impossible to enter into long details at such a conference as to the manifest obstructions to trade; nevertheless, one instance was worthy of special mention because of its great importance. There had been a disease among the silkworms over large districts in Europe, and a consequent deficiency in the production of silk. It was all-important to get fresh seed from this country, and yet every possible impediment had been thrown in the way of those employed in obtaining them by the Japanese officials. Now, as each silkworm lays thousands of eggs, it is impossible that Japan could suffer by allowing of the export of any quantity that could be required to replenish the seed in Europe. Moreover, since the Japanese authorities rather objected to the excessive demand for silk, there was no better means of diminishing the demand from Europe than by taking care to keep up the European stock of worms on which the home supply of silk depended.

The ministers replied, that silkworm eggs not being an article of trade, no provision had been made for a foreign demand; but now that it was known they were required, orders had been given to provide for this unforeseen demand, and next year a plentiful supply might be relied upon.

The British minister replied that he was glad to hear they had made provision for the future; but even as regarded the present season, the want in Europe was urgent, and he could not conceive any just reason could exist for obstacles being raised in the expectation of such small quantities as had actually been purchased.

The ministers replied that if the consuls applied for authority to ship eggs already obtained, it should be granted.

The subject of a residence at Yedo was then discussed. The Gorogio was informed that by treaty the residence of foreign representatives should be at Yedo, and nowhere else. This was a right which the treaty powers would certainly not relinquish, and, therefore, it was true that the Tycoon's government took some steps to enable the representatives to resume their residence.

The ministers made some observations as to the difficulties from the troubled state of the country, without, however, in any way calling in question the right insisted upon.

The British minister remarked, in reply, that the choice of a site was the first step, and there was no reason why that should not be taken at once. As regards the already chosen Gotten Yama, it appearing that strong objections existed on the part of the Daimios to its occupation by the foreign ministers, they were not disposed to insist upon that site being preserved, provided some others equally eligible were placed at their disposal. As to the present time, being one of trouble and unfavorable for the resumption by the foreign representatives of their residence in Yedo, no legation could be built under twelve months, and, therefore, even when a site had been found, there would be a long interval, in which time, it was to be hoped, a new policy would be finally established and all hostile feelings at an end on the part of the Daimios.

The ministers agreed that it was necessary to set about choosing an eligible site in lieu of Gotten Yama, and promised to lose no time in doing so.

The British minister said the understanding now come to, on the main points discussed, was satisfactory, and as the officers of the squadron were at hand, the confidential part of the conference might be considered at an end; and, in proof of the trust he and his colleagues were willing to place in the assurance now received, he had to announce their departure, with their respective ships, the following day. The Dutch consul general alone, and for his private convenience it was believed, proposed remaining some time longer at his residence, but his ships would all leave.

The ministers expressed their great satisfaction at the manner in which all the grave and important matters under consideration had been discussed and arranged, and renewed their assurances that everything now agreed upon should be effectually carried out.

The French minister and the representative of the Netherlands shortly after arrived with the commanders of the several ships of the allied squadron, who were duly presented to the ministers; and, after some conversation and a refecton, the whole party took leave.

RUTHERFORD ALCOCK,

H. B. M.'s Envoy Extraordinary and Minister Plenipotentiary in Japan.

LEWIS ROCHES,

Ministre Plenipotentiaire de l' M. l'Empereur des Français in Japan.

ROBERT H. PRUYN,

Minister Resident of the United States in Japan.

D. DE GRAEFF VON POLSBROEK,

H. N. M.'s Consul General and Political Agent in Japan.

[Enclosure No. 9.]

Having met in conference the several ministers, and having well understood the nature of their communication, our government has agreed to take upon itself the settlement of the indemnity which should have been paid by Mowosi Daizen, consequent upon the war which has taken place with your ships in Choshu.

For your information we address you this communication in writing.

With respect and esteem,

MAKINO BIDZEN-NO-KAMI.

His Excellency ROBERT H. PRUYN,

Minister Resident of the United States in Japan, &c., &c., &c.

Ninth month, 7th day of the 1st year of Genji, (7th October, 1864.)

[Enclosure No. 10.]

I beg to communicate, in writing, as follows :

Peace having now been established between your country's admiral and myself at Simonoseki, I have despatched envoys to you to pay my respects; and I have to request that you will receive them and give them a hearing.

With respect,

MATSUDAIRA DAISEN-NO-DAIBO.
YOSITSE KA.

[L. s.]

Nineteenth day, 8th month, 1st year of Genji, (19th August, 1864.)

The MINISTER of the United States of America.

Memorandum.

Ibara Kazuye, a Karo of the Prince of Nagato, accompanied by the three officers, having applied for a passage on one of her Majesty's ships returning from the straits of Simonoseki, in order to communicate with the representatives of the treaty powers at Yokohama, the above officers arrived on board H. M. S. Barrossa, on the 10th October, 1864; and the same day the First Karo and

his councillor, Sunji Tokuske-san-lei, were received at the British legation at a private interview by H. M. envoy extraordinary and minister plenipotentiary. The minister resident of the United States joined shortly after the interview began.

The Karo presented his credentials, in the form of a letter, signed by the Prince of Nagato, (a copy annexed,) stating that peace having now been established in the waters of Simonoseki, he had despatched envoys to H. M.'s minister to pay his respects ; and he requested that they might be received and given a hearing.

The chief envoy, Ibara Kazuye, stated that the prince, his master, had desired him to express his regret that hostilities had taken place between his people and the foreign powers. In the course he had taken, however, he had only been obeying orders—the orders of the Mikado and Tycoon both ; but now that peace had been established, the prince was anxious it should be maintained, and it was his firm resolve to do his best to prevent any interruption of existing relations. In the mean time the Karo had it in command to represent the impoverishment of the prince by reason of the enormous expenditure incurred throughout his provinces by warlike munitions, defences, and other preparations for war, which the order of the Mikado and Tycoon had entailed. In reference, therefore, to the indemnities claimed for the expense of the expedition, and for the ransom of Simonoseki to the prince, he trusted the foreign representatives would take into consideration the extreme difficulty he would find in raising any large sums.

The envoy was informed, in reply, that as regarded the excuse offered for a long-continued series of hostile acts on the part of the prince, namely, that he had the orders of both the Mikado and Tycoon, the prince must know very well that this was decreed by the Tycoon, and it was believed by the Mikado also.

The envoy observed that textual copies of the orders had been given to the admirals.

This, it was replied, did not materially alter the case, for those orders, although they communicated a decision of the Mikado and Tycoon to interrupt relations and cease all intercourse with foreigners from a given date, (June 20, 1863,) did not explicitly order any Daimio to fire upon foreign ships without notice or warning ; and the proof that such was not the necessary reading of the order was to be found in the fact that no other Daimio had so interpreted it or commenced hostilities.

The envoy stated, on the other hand, the fact that the Mikado, ten days after the hostilities had commenced, sent an envoy to the prince entirely approving of his conduct.

The Tycoon, at all events, it was remarked, had taken steps to stop hostilities, and had sent an envoy to tell the prince he had misinterpreted his order, but the envoy was killed in Choshu's territories, and the hostile action continued. If the prince had in the beginning purely mistaken his instructions by over-zeal and willingness to carry out the will of the Tycoon, why did he persevere ?

The envoy replied, his master had no wish to impute blame to the Tycoon, but the fact was the Mikado had never revoked his orders, and the Tycoon in the beginning had approved. When the foreign representatives sent down two of the prince's people by the queen's ships, in August, with written communications, the prince immediately despatched his son to Kioto to induce the Mikado to revoke his order. Unfortunately some disturbances arose there, excited by Iroins, in which the Karo and people of the prince got mixed up, and so no access could be gained to the Mikado, and thus the prince's good intentions in respect to foreigners had been frustrated. Thus the prince had been sacrificed. And when the fleet came, he fought, as was his duty, but knowing very well he could not single-handed cope with the foreign powers.

It was observed, in reply, that a different version of the whole affair had reached the representatives; and if the Karo's was the correct one, it must be admitted the prince was a very unfortunate man. But as regarded the indemnities, the representatives had taken steps which left no further question on that head between the prince and them. As representatives of treaty powers they were accredited to the Tycoon, and treated only with his government in all ordinary circumstances. That they had taken action with the prince himself arose entirely from the exceptional condition in which they were placed. He had attacked their ships and obstructed their passage through the inland sea—and not only their ships, but all produce going to Nagasaki, to the great detriment of foreign trade and in direct violation of treaties. It was the Tycoon's business and his duty to put an end to such hostilities at once and afford full redress. The Tycoon's inaction, from whatever cause proceeding, having lasted over fifteen months, without any reasonable hope of change or improvement, the treaty powers had been compelled to do themselves justice and open the straits with their own forces. That once done, and the prince having sued for a cessation of hostilities, and entered into engagements to keep the peace and give no further cause of complaint, the relations of the foreign powers reverted to their usual course. The representatives had accordingly informed the Tycoon's government of what had taken place and the engagements entered into by the prince, demanding to be informed if the Tycoon was prepared to take upon himself those engagements and pay the indemnities and expenses to be recovered. The answer having been in the affirmative, there was, as has been stated, no further question or ground of negotiation between the prince and the foreign representatives in respect to money indemnities.

The envoys appeared satisfied with the explanation of the actual position of affairs, and begged that as their presence on shore involved some danger, and might give rise to new complications with the government of the Tycoon, the representatives present would be pleased to transmit the several letters of credence addressed to each, and communicate, in their name, what they had been directed to state to each in person could they have had the opportunity.

After some conversation as to the means for returning them to their homes by one of her Majesty's ships, they took their leave.

RUTHERFORD ALCOCK,

H. B. M. Envoy Extraordinary and Minister Plenipotentiary in Japan.

ROBERT H. PRUYN,

Minister Resident of the United States in Japan.

[Enclosure No. 12.]

Circular to Daimios above ten thousand koku of yearly revenue, by the Phometskes, by order of the Gorogio or Council of State.

The order of the year before last, (1862,) which was to the effect that Daimios, tenants or owners of territories, having a yearly revenue of more than 10,000 koku, could return to their castles or residences with their families at their pleasure, is hereby cancelled by the Tycoon, and he has been pleased to direct that the old customs shall be observed in future; therefore, you shall come as before with your families to the capital.

Given by the member of the first council on duty.

MAKINO BIDZEN-NO-KAMI.

SEPTEMBER 30, 1864.

NOTE.—It is reported that in consequence of this the Daimio of Kanga has declared himself ready to return to Yedo, and his residence is under repairs.

Sentence of the Prince of Choshu remitted to his chief adherent, Mori Awadzi-no-kami.

Mori Daizen (father and son) had sent Tukahara Etrigo and two more officers of standing and rank to Kioto, where they attempted violence, but did not succeed. They have, however, alarmed the Emperor and brought miseries upon the citizens and country people. This is a series of crimes which cannot be overlooked, and he must be punished accordingly.

Therefore, of his titles and the name given to him by the Tycoon's ancestors he shall be deprived; and the country belonging to him, the provinces *Suwo* and *Nagato*, shall both be taken from him. He is now at liberty to go where he likes; but if he does not obey this order, our forces shall advance from their positions.

Given by the member of the first council on monthly duty.

MIDSUNO IDSUMI-NO-KAMI.

SEPTEMBER, 1864.

Handed to Mowori Awadzi-no-kami.

[Enclosure No. 13.]

From the Prince of Suwo and Nagato to the Minister of the United States.

Having fired upon foreign ships in the straits of Simonoseki last year, in obedience to the order of the Mikado and Tycoon, I cannot understand why I was censured by the Tycoon's government as having done wrong in firing. This made it appear as if I had disobeyed the orders of the Mikado; and my two retainers having returned a short time ago with communications, (from the foreign ministers,) I became desirous to refer again to the Mikado in order to obtain his decision. Nagato-no-kami (son and heir to the Prince of Choshu) set out for Kioto, but before he had arrived disturbances arose in the capital which, I regret very much to say, obliged him to return without having accomplished the end in view. I have sent Matsu Shimakoso and Ito Shunsuke to explain to you, and I hope you will understand that henceforth I will offer no opposition to the free passage of the straits of Simonoseki.

SOVEREIGN PRINCE OF SUWO AND NAGATO, IN JAPAN.

Eighth month, third day, of the first year of Genji, (3d September, 1864.)

OFFICE U. S. MILITARY TELEGRAPH,
War Department.

The following telegram received at Washington 10 p. m., November 18, 1864; from San Francisco, November 18, 1864:

No. 63.]

LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, October 17, 1864.

SIR: A convention has been agreed on, ready for signature, between the Tycoon and the United States, Great Britain, France, and the Netherlands, by which three millions (3,000,000) of dollars are to be paid for indemnities and expenses occasioned by outrages of Choshu, to be divided as the said powers shall agree, or at their option a new port will be opened in the Inland sea.

My colleagues desire the above communicated to the ministers of their governments in Washington.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,

Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Pruyn to Mr. Seward.

No. 64.]

LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, October 28, 1864.

SIR: Referring to former despatches in relation to the employment of the steamer *Ta-kiang*, I now enclose (No. 1) a copy of the charter, and will draw on the government for the sum of \$9,500, payable in gold, in time to enable the owners to send forward the draft by the next mail. As I am not sure whether the draft should be on the State or Navy Department, I shall make it in the alternative, which will enable the proper accounting officer to adjust and charge as may be necessary.

I have paid for the coal (enclosure No. 2) in order to save the government from the loss of exchange, as that item had to be purchased here, and have debited the department therefor the sum of \$1,848 in a special account I have opened, in which I have charged myself with the sums paid by the Japanese government for indemnities. I will draw in the same manner for that sum, so that the State Department may have its necessary credit if the whole expenses are to be charged to the Navy Department. In this case an allowance should be made for exchange.

You will observe the price of the vessel, if lost, was fixed at \$75,000. She has been since sold for \$108,000. She was chartered at the close of a charter on behalf of the British government for less than two weeks to bring troops to this port, for which 7,000 Shanghai taels were paid, and the right was also reserved to the owners to carry freight. I think, therefore, no objection can be made to the terms on which the charter was effected by Captain Price and myself.

As the convention recently concluded with the Japanese government more than provides for the payment of the expenses of the *Ta-kiang* and for those of the *Jamestown*, which was assigned to the defence of this port, as well as a large sum for indemnities, I presume the entire management of the business will devolve on your department, and hope that my action may be in all respects approved.

I have the honor to be, sir, very respectfully, your most obedient servant,
ROBERT H. PRUYN,

Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Enclosure No. 1.]

This charter-party, made and concluded this 18th day of August, 1864, by and between the owners of the steamer *Ta-kiang*, now lying in the harbor of Kanagawa, by their agents, Walsh, Hall & Co., of the first part, and Robert H. Pruyn, minister resident of the United States in Japan, and Cicero Price, captain United States navy, representing and in behalf of the United States government; of the second part, witnesseth:

1. That the said party of the first part, for and in consideration of the covenants and agreements hereinafter mentioned, to be kept and performed by the said party of the second part, do covenant and agree, in the freighting and chartering of the said steamer *Ta-kiang* unto the said parties of the second part, for a voyage from this port of Kanagawa to the Inland sea, for the purpose of co-operating with the squadrons of the treaty powers in their operations against the Daimio Choshu, and return to this port of Kanagawa, on the terms and conditions following, that is to say:

2. The party of the first part agrees that the said Ta-kiang shall be sufficiently tackled and apparalled for the said voyage, and supplied with a proper quantity of coal, water, and with provisions and stores for her customary officers and crew.

3. The party of the first part further agrees that the said vessel, her officers and crew, shall be subject to the orders of the officer placed in command thereof by Captain Price, of the United States sloop Jamestown.

4. The party of the first part further agrees to pay the wages of the customary officers and crew, and to victual the same; and further, that they will provide the usual cabin accommodations for such persons as may be designated by the officer placed in command, not to exceed five persons—liquors, wine, and beer excepted.

5. And the said parties of the second part, for and in consideration of the covenants and agreements to be kept and performed by the said party of the first part, do covenant and agree to charter and hire said steamer Ta-kiang aforesaid on the terms and conditions following, that is to say:

6. The said parties of the second part do engage to pay to the said party of the first part, for the charter or freight of said Ta-kiang during the voyage aforesaid, which shall not exceed the term of one month from the date hereof, the sum of \$9,500, lawful gold coin of the United States, in their draft at thirty days' sight on the Secretary of the Navy of the United States, or on the Secretary of State of the United States.

7. The parties of the second part do further agree to pay to the party of the first part the cost at this port of all the coal consumed by said vessel during the continuance of the charter.

8. The parties of the second part do further agree that the officers, engineers, and crew now on board of the said Ta-kiang shall, for so long as they remain under their contract, as by the terms of this charter-party, be considered as in the service of the United States, and, for any casualties incident to this employment, shall be entitled to the same consideration and compensation as when in the regular government service.

9. The parties of the second part do further agree that during the continuance of this charter the said Ta-kiang, as to each and every loss or damage that may accrue to her, is at the risk of the said parties of the second part, (except as to those perils of the sea covered and protected by her policy of marine insurance,) and that all such loss or damage, incident to her employment under this charter-party, shall be made good to the party of the first part, and the said vessel shall be returned to this port of Kanagawa in as good order and condition as when chartered, ordinary wear and tear excepted.

10. And it is further agreed between the parties to this instrument, that, in case of a total loss of the Ta-kiang while employed under this charter, the measure of damages which shall be paid by the parties of the second part, as under the stipulations of the last preceding section, (9,) shall be the sum of 75,000 clean Mexican dollars, payable at the port of Kanagawa within nine months after the expiring of this charter-party, with interest.

The charter-party ceases and terminates in one month from the date hereof; but it is further agreed between the contracting parties that this charter may be extended for a further period, not exceeding one month, on the same terms and conditions as hereinbefore named, payment being made to the party of the first part by the parties of the second part pro rata for the actual time said vessel remains so employed beyond the term of one month.

In witness whereof, the parties aforesaid have hereunto interchangeably set their hands and seals, the day and year above written.

WALSH, HALL & CO.
ROBERT H. PRUYN,
United States Minister in Japan.
CICERO PRICE,
United States Navy.

A true copy:

A. L. C. PORTMAN.

KANAGAWA, *October 15, 1864.*

The United States, charterers of the steamer Ta-kiang, to Walsh, Hall & Co. Agents, Dr.

For cost of coal consumed, viz :

English coal, 42 tons, at \$15.....	\$630 00
English coal, 48 tons, at \$16.....	768 00
<hr/>	
90 tons	\$1,398 00
Japan coal, 60 tons, at \$7 50.....	450 00
<hr/>	
150 tons.....	Mex. 1,848 00
<hr/>	

Received payment from Robert H. Pruyn, United States minister.

WALSH, HALL & CO.

I certify that the above bill is correct, and that the coal was used in the expedition to the straits of Simonoseki, the said steamer forming part of the squadron of the treaty powers.

FRED'K PEARSON, U. S. N.,
Late Commanding Steamer Ta-kiang.

A true copy :

A. L. C. PORTMAN.

Mr. Pruyn to Mr. Seward.

No. 65.]

LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, October 29, 1864.

SIR : I have now the honor to enclose No. 1, a copy of the convention concluded with the Japanese government, which had been verbally agreed upon when I sent my telegram No. 63, *via* San Francisco.

I am unable to say, that I regard it with unmixed satisfaction.

The important admission with which it opens, that "the hostile acts of Mori Daizen, Prince of Nagato and Suwo, were assuming such formidable proportions as to make it difficult for the Tycoon faithfully to observe the treaties," may justly be interpreted as a deliberate approval of the measures adopted by the representatives of the treaty powers, as well as an admission that their result relieved the Tycoon from the dread inspired by the boldness and success of his daring vassal.

This recital is only a more solemn affirmation of the Tycoon's increasing weakness and danger, which were fully admitted in conferences with his confidential agents ; but it is, nevertheless, of great importance as not made in secret, but published openly to the world. It must be regarded as not only justifying all that has been done, but as demonstrating that it would have been unwise to have even delayed action, much less refrained from it altogether, unless we were prepared to give up the rights acquired by treaties.

The declaration embodied in it "that the receipt of money has never been the object of the treaty powers, but the establishment of better relations with Japan, and the desire to place them on a more satisfactory and mutually advantageous footing is still the leading object in view," met my most hearty approval. It is highly honorable to the treaty powers, and will, in my judgment, if acted on, greatly promote their interests. It would be a great misfortune should the opinion prevail that money alone can atone for injuries.

I am, moreover, fully satisfied that whatever is paid by the Japanese government for indemnities or expenses to foreign governments will, in some form or other, be assessed on their commerce.

The panic which in May, 1863, grew out of the measures of coercion threatened when payment of the sum demanded by the British government was refused, led to exorbitant charges for wages of coolies, hire of cargo boats, &c., &c. When finally paid, those charges were somewhat moderated, but are still far above their original standard; and a perpetual tax imposed on foreign commerce is now in process of collection, which, added to the losses sustained by the re-exportation of goods at that time, and on which duties had been paid, are estimated by intelligent merchants to already exceed the large sum imposed as a fine on this government.

The British minister and myself, prior to meeting the Japanese commissioners, had agreed on two millions of dollars as the sum to be paid, and would have had no difficulty in its division among the powers interested. But some difference was suggested as likely to arise from the considerations whether the moral support afforded was not entitled to weight in such adjustment, and I did not feel that it was incumbent on me to interpose any objection to this view, as the moral support afforded by the United States was considerably in excess of the material support I was enabled to give. I therefore readily agreed to the reference of this delicate question to the home governments, with the understanding that a memorandum which I prepared should be signed and accompany the convention, so as to provide an equitable basis, if any should become desirable or necessary by reason of payment of the indemnity being demanded by them. I assented the more readily to the proposition of the envoy of his Imperial Majesty the Emperor of the French to fix the amount at three millions of dollars, because I thought it more likely to lead to the substitution of a port as a material compensation for the expenses of the expedition.

Should the Tycoon be averse to the opening of another port, and fail to make such offer in lieu of the payment of indemnities and expenses, the amount agreed on will not be regarded as unreasonable. But should he make the offer, it will be at the option of the four powers to accept it in full or in part payment, and in that event a moderate pecuniary fine may be imposed.

In either case provision will be made for a reasonable indemnity for injuries sustained by the *Wyoming* and *Monitor*, and for the insult to our flag offered by the attack on those vessels, as well as on the *Pembroke*, the owners of which have received from the Japanese government a sum which covers their loss as estimated by themselves.

I have the honor further to enclose—

No. 2. Copy memorandum October 22, 1864.

No. 3. Return of forces by Captain Price.

No. 4. British returns of forces.

No. 5. French returns of forces.

No. 6. Dutch returns of forces.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,

Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

[Enclosure No. 1.]

Convention.

The representatives of the United States of America, Great Britain, France, and the Netherlands, in view of the hostile acts of Mori Daizen, Prince of Nagato and Suwo, which were assuming such formidable proportions as to make it difficult for the Tycoon faithfully to observe the treaties, having been obliged to send their combined forces to the straits of Simonoseki in order to destroy the batteries erected by that Daimio for the destruction of foreign vessels and the stoppage of trade, and the government of the Tycoon, on whom devolved the duty of chastising this rebellious prince, being held responsible for any damage resulting to the interests of treaty powers, as well as the expenses occasioned by the expedition :

The undersigned representatives of treaty powers, and Sakai Hida-no-kami, a member of the second council, invested with plenipotentiary powers by the Tycoon of Japan, animated with a desire to put an end to all reclamations concerning the acts of aggression and hostility committed by the said Mori Daizen since the first of these acts, in June, 1863, against the flags of divers treaty powers, and at the same time to regulate definitively the question of indemnities of war, of whatever kind, in respect to the allied expedition to Simonoseki, have agreed and determined upon the four articles following :

1. The amount payable to the four powers is fixed at three millions of dollars, (\$3,000,000.) This sum to include all claims of whatever nature for past aggressions on the part of Nagato, whether indemnities, ransom for Simonoseki, or expenses entailed by the operations of the allied squadrons.

2. The whole sum to be payable quarterly, in instalments of one-sixth, or half a million dollars, (\$500,000,) to begin from the date when the representatives of said powers shall make known to the Tycoon's government the ratification of the convention and the instructions of their respective governments.

3. Inasmuch as the receipt of money has never been the object of the said powers, but the establishment of better relations with Japan, and the desire to place these on a more satisfactory and mutually advantageous footing is still the leading object in view, therefore, if his Majesty the Tycoon wishes to offer, in lieu of the payment of the sum claimed, and as a material compensation for loss and injury sustained, the opening of Simonoseki or some other eligible port in the Inland sea, it shall be at the option of the said foreign governments to accept the same, or insist on the payment of the indemnity in money, under the condition above stipulated.

4. This convention to be formally ratified by the Tycoon's government within fifteen days from the date thereof.

In token of which, the respective plenipotentiaries have signed and sealed this convention in quintuplicate, with English, Dutch, and Japanese versions, whereof the English shall be considered the original.

Done at Yokohama, this 22d day of October, 1864, corresponding to the 22d day of the 9th month of the first year of Genji.

SAKAI HIDA-NO-KAMI, ^{his}
+
mark.

ROBERT H. PRUYN,

Minister Resident of the United States in Japan.

RUTHERFORD ALCOCK,

H. B. M. Envoy Extraordinary and Minister Plenipotentiary in Japan.

LEON ROCHES,

Minister Plenipotentiaire de I. M. l'Empereur des Français au Japon.

D. DE GRAEFF VAN POLSBROEK,

H. N. M. Consul General and Political Agent in Japan.

[Enclosure No. 2.]

Memorandum.

The undersigned having, on behalf of their respective governments, entered into a convention with the government of his Majesty the Tycoon, providing for the payment by him of a gross sum of three millions of dollars (\$3,000,000) for indemnities and expenses occasioned by the hostile acts of the Prince of Nagato, declare that they assumed, as the basis of such convention, that entered into at Paris with the commissioners of the Tycoon, (not ratified by the Tycoon because of other provisions,) in and by which the payment of one hundred and forty thousand dollars (\$140,000) was to be made to the government of his Imperial Majesty the Emperor of the French for the attack on the Kienchang; and as such sum, or a larger one, may be justly claimed, and as the governments of the United States and of the Netherlands are justly entitled to like indemnities for more serious attacks on national and merchant ships of those countries by the same prince, it is reserved for those governments to decide if any, and what, indemnities from said gross amount so to be paid by the Japanese government shall be paid therefor.

In view of the possible acceptance by the said governments of a port in the Inland sea in lieu thereof, which may render any division unnecessary, the undersigned reserve the same for adjustment by their governments, and, to provide an equitable basis, have hereto annexed memoranda of the naval commanders, showing the number of ships furnished by each for the expedition and assigned for the defence of the several ports, with their armaments and crews; and also of the military commanders, showing the number of troops collected for the same purposes.

ROBERT H. PRUYN,

Minister Resident of the United States.

RUTHERFORD ALCOCK,

H. B. M. Envoy Extraordinary and Minister Plenipotentiary in Japan.

LEON ROCHES,

Minister Plenipotentiary of the Emperor of the French in Japan.

D. DE GRAEFF VAN POLSBROEK,

Consul General and Political Agent of the Netherlands in Japan.

YOKOHAMA, October 22, 1864.

[Enclosure No. 3.]

UNITED STATES SHIP JAMESTOWN,

Yokohama, October 21, 1864.

SIR: In compliance with your request, I have the honor to inform you that the naval force of the United States on the coast of Japan, in the month of September last, was composed of this ship, with a crew of two hundred and eighteen (218) persons, all told, and twenty-one (21) guns; the chartered steamer Ta-kiang, of forty persons, all told, and three (3) guns. One gun and eighteen (18) persons were transferred from this ship to the Ta-kiang, making her full crew fifty-eight, all told, during the time she was in the service of the United States. The Jamestown was assigned to the defence of this port, and the Ta-kiang formed part of the expedition to Simonoseki.

I have the honor to be, very respectfully, your obedient servant,

CICERO PRICE,

Captain United States Navy.

HON. ROBERT H. PRUYN,

United States Minister Resident, Japan.

[Enclosure No. 4.]

General return showing the number and description of her Majesty's naval forces, royal marines, &c., engaged in the recent operations in the straits of Simonoseki; also those at or in transitu between the several ports during the same period.

Ships, &c.	Number of guns.	Number of men.	Remarks showing whether present during the operations at Simonoseki, or otherwise employed as a portion of the squadron in Japan.
Euryalus	35	515	Engaged in the operations in the straits of Simonoseki between September 5 and 12, 1864.
Tartar	20	275	
Conqueror	40	480	
Banosa	21	275	
Leopard	18	315	
Argus	6	175	
Perseus	17	175	
Coquette	4	90	
Bouncer	3	40	
Battalion of royal marines		500	
Detachment of royal engineers		10	
Total	164	2,850	
Pelorus	21	275	Employed in the protection of Yokohama.
Havre	3	40	
Kestrel	3	40	
Coromandel	5	55	
Race-horse	4	90	Conveying despatches and conveying coal.
Cormorant	4	90	
Osprey	4	90	Employed in the protection of Nagasaki.
Scylla	21	275	
Total	65	955	
General totals	229	3,805	

Dated on board the Euryalus, at Yokohama, October 24, 1864.

AUGUSTUS L. KUPER,
Vice-Admiral, and Commander-in-Chief.

True copy:

JOHN MACDONALD.

Return of troops present at Yokohama during the operations at Simonoseki.

Corps.	Field officers.	Captains.	Subalterns.	Staff.	Sergeants.	Rank and file.	Horses.	Guns.	Mortars.	Rocket tubes.
Royal artillery .....	.....	.....	1	.....	2	80	21	10	4	1
Royal engineers .....	.....	.....	2	.....	1	14	.....	.....	.....	.....
Second battalion 20th regiment.....	2	8	16	6	43	695	3	.....	.....	.....
Detachment 67th regiment.....	1	1	6	.....	14	238	1	.....	.....	.....
Detachment 2d Beloochee regiment.....	.....	1	1	4	8	149	2	.....	.....	.....
Mounted escort.....	.....	1	.....	.....	3	16	14	.....	.....	.....
Staff .....	.....	2	3	.....	2	6	4	.....	.....	.....
Legation guard.....	.....	.....	1	.....	1	23	.....	.....	.....	.....
Total.....	3	13	30	10	74	1,221	45	10	4	1

SUMMARY.

Officers, 56; sergeants and rank and file, 1,295; horses, 45; guns, 10; mortars, 4; rocket tubes, 1.

Ammunition.—200 rounds per gun; 500 rounds per rifle.

H. R. BROWNE,
Lieut. Col., 2d and 20th Regiments, Comm'g Her Majesty's Troops in Japan.

True copy :

JOHN MACDONALD,
Her Majesty's Legation.

[Enclosure No. 5.—Translation.]

NAVAL FORCES IN THE CHINA SEAS.

General return of the French naval forces engaged in the recent operations at the straits of Simonoseki, and of those employed during that period as transport or despatch vessels, or for protection in Japanese waters.

Names of ships.	No. of guns.	No. of men.	Acting ma- rines.	Remarks.
Semiramis	44	580	200	} Present at the action of Simonoseki from September 5 to 10, 1864. The Cormal sloop, like the Dupleix, brought marines from Saigon to Shanghai. The Tancrede brought marines from Shanghai to Simonoseki. The Kien-Chan acted as despatch vessel.
Dupleix	14	200	80	
Tancrede	6	75	20	
Total.....	64	855	300	} Left on shore for the protection of Yokohama.
Company of marines..	.....	.....	70
	64	855	370	

ON BOARD THE SEMIRAMIS, October 26, 1864.

The Rear-Admiral Commanding in Chief the Nav. Div. in the China and Japan Seas,
C. JAURES.

A true copy :

DEP. TURENNE.

[Enclosure No. 6.—Translation.]

Return of the Netherlands naval forces engaged in the operations in the straits of Simonoseki in September last.

Names of ships.	No. of guns.	No. of men.	How engaged.
Metalen Kruis	16	270	} All engaged in operations at Simonoseki from September 5 to 12, 1864, inclusive.
Amsterdam	8	186	
Dyambi	16	255	
Medusa	16	240	
Total.....	56	951	

ON BOARD HIS NETHERLAND MAJESTY'S STEAMER METALEN KRUIS,
Yokohama, October 26, 1864.

The Captain, Flag-Officer in the Japan Seas,
J. C. DELKAN.

A true copy:

The Clerk at the Netherland Legation in Japan,
H. A. NOORDHOELE-HEGT.



[Telegram from Mr. Pruyn to Mr. Seward.]

No. 66.] LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, November 29, 1864.

SIR: Two British officers, in citizen's dress, Major Baldwin and Lieutenant Bird, of the 20th regiment, have been murdered by Japanese at Kamakma, within treaty limits. Government declares itself anxious for their arrest, claiming it an act of hostility to itself.

Please inform Lord Lyons.

I have the honor to be your most obedient servant,
ROBT. H. PRUYN,
Minister Resident of the United States in Japan.

Hon. WILLIAM H. SEWARD.
Secretary of State, &c., &c., &c.

Mr. Pruyn to Mr. Seward.

No. 67.] LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, November 29, 1864.

SIR: I have the honor to transmit enclosure No. 1, copy of the letter of the minister of foreign affairs ratifying the convention recently entered into with this government.

I remain, very respectfully, your most obedient servant,
ROBT. H. PRUYN,
Minister Resident of the United States in Japan.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

No. 1.

Japanese Ministers to Mr. Pruyn.

We beg to communicate to you as follows :

In respect to the convention entered into by our vice-minister, Saka Hida-no-kami, on the 22d ultimo, with you, at Kanagawa, we have to inform you that our government has undertaken to give effect to the same; in token of which we send this despatch.

In order to inform you of the above we send this communication.

With respect and esteem, the 3d day of the 10th month of 1st year Genji, (4th November, 1864.)

MIDSUMO IDSUMI-NO-KAMI.
ABE BUNGO-NO-KAMI.

His Excellency ROBERT H. PRUYN,
Minister Resident of the United States, &c., &c., &c.

Mr. Seward to Mr. Pruyn.

No. 51.]

DEPARTMENT OF STATE,

Washington, October 24, 1863.

SIR: Your despatch dated July 31, No. 51, has been received.

Upon the testimony received relative to the destruction by fire of the legation buildings at Yedo, the President considers it to have been offensive and criminal, not an accidental occurrence, and this government will expect indemnity therefor. Should you come to a different conclusion, however, the subject will be reconsidered.

It is deemed proper that you should insist on a residence at Yedo, and it is hoped that the Japanese government will throw no obstacles in the way of your return thither.

The President justly appreciates the difficulties which surrounded your position, and does not doubt that Congress will indemnify you for all needful expenses or losses.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ROBERT H. PRUYN, Esq.

Mr. Seward to Mr. Pruyn.

No. 52.]

DEPARTMENT OF STATE,

Washington, December 1, 1863.

SIR: Your despatch of August 26, No. 57, has been received, and your narration of the circumstances as related to you by Lieutenant Colonel Neale, which attended his mission to Kagosima, and of the operations of the British fleet at that place, has been read with very great interest.

It is hoped that your next despatch will announce, at least, the prospect of a speedy and amicable adjustment of the difficulties between the treaty powers and Japan.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ROBERT H. PRUYN, Esq.

Mr. Seward to Mr. Pruyn.

No. 54.]

DEPARTMENT OF STATE,

Washington, December 17, 1863.

SIR: Your despatch of September 28, No. 60, has been received. Whatever may be the end of the present complications in Japan, it is certain that the events occurring there are rapidly raising the curtain which has hitherto secured the political machinery of the empire against the intrusive curiosity of the western powers.

It is very instructive to find that the conflicting forces in the Japanese system are the same as in other systems of government, and that the difference between them really lies in the relative development of those identical forces and in their respective combinations. Thus we seem to have now found out that the Mikado is a spiritual power, while the Tycoon is purely a temporal authority; that the aristocracy, while revering the spiritual authority, control it, and employ it to embarrass the temporal government.

Your despatch now before me brings into relief a third political force, that of combinations of artisans or trade associations, counteracting and modifying the action of both the spiritual and the temporal power.

The more you enable us to understand the constitution of the government and of society in Japan, the more weight the President inclines to give to your suggestion, that as soon as practicable the western powers ought to take measures to have the treaties they have already made with the Tycoon ratified and confirmed by the Mikado.

I have already invited the attention of the British government to the suggestion, and I am informed that they are holding it under consideration.

The President's message and the accompanying documents will inform you of the cheerful aspect of our domestic affairs, and if surprised, you will at the same time be gratified to learn that it is only in Japan that we are apprehending collision with a foreign enemy.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ROBERT H. PRUYN, Esq., &c., &c., &c., *Japan.**Mr. Seward to Mr. Pruyn.*

No. 55.]

DEPARTMENT OF STATE,

Washington, December 31, 1863.

SIR: Your despatches Nos. 64 and 65, dated the 1st and 14th of October, respectively, have been received. The former, the contents of which are exceedingly interesting, has been submitted for perusal to the Secretary of the Navy.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ROBERT H. PRUYN, Esq., &c., &c., &c., *Yedo.**Mr. Seward to Mr. Pruyn.*

No. 56.]

DEPARTMENT OF STATE,

Washington, January 4, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch of October 15, (No. 67.) The murder of the French lieutenant, Camus, near Kana-

gawa, as you have described it, lends a new and shocking aggravation to the relations between Japan and the western powers.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ROBERT H. PRUYN, Esq., &c., &c., &c., *Kanagawa.*

Mr. Seward to Mr. Pruyn.

No. 57.]

DEPARTMENT OF STATE,

Washington, January 13, 1864.

SIR: I have received, and have submitted to the President, your despatch of the 30th of October, No. 70, which gives an account of a conference which, in conjunction with the consul general of the Netherlands, you have held with the Gorogio at their request, and in which they solicited, on behalf of the Tycoon, that the port of Kanagawa might be closed against foreign trade. Your firm resistance of this extraordinary proposition, and the fidelity and friendship with which you have explained your proceedings in that respect to the representatives of the other western powers in Japan are unreservedly approved.

You will make this approval known to the government of the Tycoon.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ROBERT H. PRUYN, Esq.,

Minister Resident in Japan, Yedo.

Mr. Seward to Mr. Pruyn.

No. 60.]

DEPARTMENT OF STATE,

Washington, February 8, 1864.

SIR: Your several despatches, numbered and dated as follows, have been received: No. 73, November 11; No. 74, November 13; No. 75, November 16; Nos. 76, 77 and 78, dated November 28, and No. 79, dated December 1, 1863.

The course pursued by you at the interview with the three governors sent to you by the Gorogio, as detailed in your No. 74, was very proper, and the result proves it to have been judicious. You are instructed to express to the Gorogio the President's satisfaction at the withdrawal of the letter of Ogasawara, which had raised a very grave and perilous question.

I have carefully read the correspondence which accompanies your No. 78, on the subject of your return to Yedo, and I fully appreciate the difficulties and danger which surround your position. The resumption of your residence there, even if it were not so important as it is believed to be, ought to be insisted upon; but the question as to the time of your return, in which your own personal safety as well as that of others connected with the legation is involved, is left entirely to your discretion.

The President is gratified to learn that the claim of the owners of the Pembroke has been satisfactorily adjusted. Your offer to settle the case of the Wyoming on the basis named in your No. 76, viz., the provision of annuities for the families of the dead and for the wounded of that vessel is approved, and should it be accepted you will forego further demands on that subject.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ROBERT H. PRUYN, Esq.,

Minister Resident in Japan, Yokohama.

• *Mr. Seward to Mr. Pruyn.*

No. 61.]

DEPARTMENT OF STATE,

Washington, February 8, 1864.

SIR : Your despatch of the 1st of December last, No. 80, has been received, and the account which it gives of your interview of the day before with the senior governor, and four other governors for foreign affairs, has been read with much interest. You were quite right in the assurance you gave them, that an embassy from their government would be received here with attention and respect. It should be clearly understood, however, that this must not suspend the prosecution of our claims for satisfaction on the moderate terms already announced.

Your assent to be the medium of communication with the government of Russia, in the absence of a minister of that power in Japan, was very properly given, and is approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ROBERT H. PRUYN, Esq.,

*Minister Resident in Japan, Yokohama.**Mr. Seward to Mr. Pruyn.*

No. 62.]

DEPARTMENT OF STATE,

Washington, February 29, 1864.

SIR : Your telegraphic despatches, *via* San Francisco, of the 7th and 19th ultimo, respectively, have been received, and we await with much interest fuller accounts of the important events to which they refer.

I have the pleasure to enclose herewith a copy of a communication, dated the 4th instant, from Earl Russel to Lord Lyons, instructing the latter to express the thanks of her Majesty's government for the frankness and cordiality manifested by you towards her Majesty's legation on the occasion of the late proposition of the Japanese government that foreign trade with that country should be limited to the ports of Hakodadi and Nagasaki.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ROBERT H. PRUYN, Esq.,

*Minister Resident in Japan, Kanagawa.**Mr. Seward to Mr. Pruyn.*

No. 63.]

DEPARTMENT OF STATE,

Washington, March 18, 1864.

SIR : Your despatches, from No. 1 to No. 8, inclusive, of the series of the present year, have been received, and have been carefully read and considered. Some of these papers amplify our knowledge of the facts communicated in your telegrams, *via* San Francisco, of the 7th and 19th of January, respectively, the receipt of which has already been acknowledged.

In your letter of the 24th of December, to their excellencies the ministers for foreign affairs, &c., of which a copy accompanies your No. 2, you have faith-

fully carried out the instructions communicated in my No. 46, of the 1st of September last, both as to the demands themselves and the manner of making them. As stated by you, these demands—which the President hopes, and indeed confidently expects, have ere this been complied with by the Japanese government—are as follows :

1st. The payment of the sum of \$10,000 for the public and private property injured and destroyed by the burning of the legation building.

2d. That diligent efforts be made to discover the incendiaries and bring them to condign punishment; also, that adequate guarantees be given for your safe return to Yedo, the permanent establishment of the legation there without delay, and the immediate rebuilding of your late residence.

3d. The full observance of the treaties between the United States and Japan, in all the particulars which have not heretofore been waived or postponed by the government of the United States.

4th. The payment of \$20,000, in satisfaction of injuries sustained by citizens of the United States at the hands of the Japanese subjects during the late disturbances in the empire; also, that diligent efforts be made to bring the aggressors to justice, and to inflict upon them such punishment as will be calculated to prevent further outrages of the same kind.

5th. The return of George Horton to his residence at the Bonin islands, or the payment of the sum of \$2,000 as an indemnity for his use.

I have attentively read the correspondence between Mr. Humbert, minister plenipotentiary of the Swiss Confederation in Japan, and yourself, a copy of which accompanies your No. 8, and am happy to express, without hesitation, my approbation of the frank and at the same time conciliatory temper exhibited by you throughout the controversy. To this disposition on your part the prompt correction of the unpleasant misunderstanding was no doubt largely due: and the department learns with satisfaction, though not with surprise, that your friendly relations with Mr. Humbert remain undisturbed.

With the expression of my approval of the course pursued by you in relation to the individual charged with the murder, at Shanghai, of Captain Mackennon, I reserve a further answer to your despatch No. 4, until the result shall be known of your efforts to have the alleged culprit arrested at Nagasaki, and sent to Shanghai for delivery to our consul there. The courteous offer of assistance in this matter made to you by Captain Sir Roderick Dew, of her Britannic Majesty's steamship *Encounter*, is highly appreciated.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ROBERT H. PRUYN, Esq.,

Minister Resident at Japan, Kanagawa.

Mr. Seward to Mr. Pruyn.

No. 64.]

DEPARTMENT OF STATE,

Washington, March 23, 1864.

SIR: I have received and submitted to the President your despatch of January 22, No. 10, and I have the honor to inform you that all your proceedings therein related in regard to the claims of this government upon Japan are approved. You will insist on these demands, and on an adjustment of them, to be made with yourself, by the imperial government there. This government cannot consent to withdraw them from your care and open a discussion upon them at this capital. Nor will you consent to a delay of them with a view to such an opening of negotiations here.

The Secretary of the Navy will take care that you are not left unnecessarily without an adequate force to sustain your demand.

While explaining these positions to the government of the Tycoon, you will, at the same time, express the sincere desire of the President that a prompt adjustment of claims so just and so moderate will avert the disturbance of the good relations we have hitherto held with Japan—relations which are believed to be as useful to that country as to our own.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ROBERT H. PRUYN, Esq., &c., &c., &c., *Kanagawa.*

Mr. Seward to Mr. Pruyn.

No. 67.] DEPARTMENT OF STATE, *Washington, April 19, 1864.*

SIR: Your despatches Nos. 13, 14, 15, and 16, all of them dated the 30th of January last, have been received.

Your proceedings with reference to the convention for the reduction of duties, a copy of which accompanied your No. 12, are approved. By the next mail I hope to be able to send you, as you request, the printed rules of the Treasury Department for the regulation of bonded warehouses.

I have communicated so much of your No. 14 as relates to the exchange of the ratifications of the treaty between Prussia and Japan to Baron Von Gerolt. We do not attach any importance to the charge made by Baron Rehfus, the Prussian consul general in China, that you have been using your influence to delay the negotiations between his government and that of the Tycoon. It no doubt had its origin in the cause you suggest, and we have entire confidence in your ability to vindicate yourself. No complaints of the kind have been preferred against you here.

It is sincerely hoped that the meeting at Kioto between the Tycoon and the Mikado, to which reference is made in your despatch No. 16, will result in the establishment of a more cordial understanding between them, and lead to a more favorable foreign policy.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ROBERT H. PRUYN, Esq., &c., &c., &c., *Kanagawa.*

Mr. Seward to Mr. Pruyn.

No. 68.] DEPARTMENT OF STATE, *Washington, May 16, 1864.*

SIR: Your despatches, No. 17 of February 15, No. 18 of February 16, No. 19 of February 25, No. 20 of February 29, and No. 21 of March 1, have been received. They do not call for special replies, and I therefore limit myself for the present to a general approval of your proceedings relative to the demands which you have heretofore been instructed to present, and to the agreement for the extension of the time of opening the new ports and cities to trade and residence.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ROBERT H. PRUYN, Esq., &c., &c., &c., *Kanagawa.*

Mr. Seward to Mr. Pruyn.

No. 70.] DEPARTMENT OF STATE, *Washington, July 29, 1864.*

SIR: Your despatches, No. 31 of the 8th of April, and No. 32 of the 4th of May last, have been received.

The correspondence which accompanies your No. 31 has been read with much interest, and your assurances to the Gorogio, on the subject of the proposed embassy to the United States, are entirely approved. In connexion with this subject I herewith enclose, for your information, copies of a recent correspondence between this department and Mr. Dayton, our minister at Paris.

Your announcement that the government of the Tycoon will probably shortly despatch several naval officers to this country for the purpose of studying naval architecture has been received with much pleasure. They will be very welcome, and will be furnished with every proper facility for carrying out the object of their mission.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ROBERT H. PRUYN, Esq., &c., &c., &c., *Kanagawa.*

Mr. Seward to Mr. Pruyn.

No. 71] DEPARTMENT OF STATE, *Washington, August 20, 1864.*

SIR: Lord Lyons has, by direction of Earl Russell, her Britannic Majesty's principal secretary of state for foreign affairs, submitted to me, for my perusal, in confidence, a copy of the earl's instructions of the 26th of July to Sir Rutherford Alcock, in relation to the course to be pursued by him at the present moment in regard to the existing troubles in Japan.

The instructions are based on a voluminous correspondence between Sir Rutherford Alcock and his government, in which he has included a note, addressed by you to him on the 13th of May last, in which you fully discussed the Japanese relations towards the western powers.

The sum of Earl Russell's note is, that his policy concurs with the views which are expressed in your aforementioned note. It may be stated as follows:

1st. To give every encouragement and support to such of the Tycoon's ministers, and to such of the Daimios as are favorable to foreign trade, and thus lead to the ultimate revoking of the feudal system and of the exclusive theory of Japan.

2d. To make arrangements with the Japanese government for the protection of the foreign settlements at Yokohama.

3d. To keep for the present a strong squadron in the Japanese seas.

4th. To endeavor to establish an understanding with the government of France, the Netherlands, and the United States, with a view to our common interest in Japan.

I have now to inform you that the President approves of the policy thus defined.

In the present condition of our affairs we shall probably find it inconvenient to keep constantly a naval force in the Japanese seas, but we shall endeavor to have some one vessel appear there so often as to make a suitable impression upon the Japanese government.

The substance of this instruction will be made known to her Britannic Majesty's government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ROBERT H. PRUYN, Esq., &c., &c., &c., *Kanagawa.*

Mr. Frederick W. Seward to Mr. Pruyn.

No. 72.] DEPARTMENT OF STATE, *Washington, August 29, 1864.*

SIR: Your telegram, *via* San Francisco, announcing that at a joint meeting of the ministers of the treaty powers held the day previous, it had been de-

terminated, in the failure of the government to do so within twenty days, to open the inland sea, has been received.

Although the proceeding thus reported was expected, the government of the United States will not disturb the concert of action between the treaty powers, but will await the result with solicitude, and with the hope that it may vindicate the wisdom of the course resolved upon.

I am, sir, your obedient servant,

FREDERICK W. SEWARD, *Acting Secretary.*

ROBERT H. PRUYN, Esq., &c., &c., &c., *Kanagawa.*

Mr. Frederick W. Seward to Mr. Pruyn.

No. 73.] DEPARTMENT OF STATE, *Washington, August 29, 1864.*

SIR: Your despatch of the 26th of May last, (No. 38,) with its several accompaniments, has been received. The information it contains had already been received by the department, through Lord Lyons, from the British government, and the views of this government upon the very important subject to which your correspondence with Sir Rutherford Alcock relates, were communicated to you in the instruction from this department of the 20th instant, (No. 71.) It is, therefore, not necessary that I should do more at present than acknowledge the receipt of your No. 38.

I am sir, your obedient servant,

FREDERICK W. SEWARD, *Acting Secretary.*

ROBERT H. PRUYN, Esq., &c., &c., &c., *Kanagawa.*

Mr. Frederick W. Seward to Mr. Pruyn.

No. 75.] DEPARTMENT OF STATE, *Washington, September 24, 1864.*

SIR: Your despatch of May 30, No. 39, has been received, and your proceedings in regard to the opening of the inland sea are approved.

You are still at liberty to modify your action so far as your judgment may dictate, concurrently with the representatives of the western powers.

I am, sir, your obedient servant,

FREDERICK W. SEWARD.

ROBERT H. PRUYN, Esq., &c., &c., &c., *Kanagawa.*

Mr. Seward to Mr. Pruyn.

No. 87.] DEPARTMENT OF STATE, *Washington, October 10, 1864.*

SIR: In reference to your despatch No. 45, informing me of your claim for indemnity for loss by fire of the United States legation at Kanagawa, I have to state that your proceedings in the matter are approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ROBERT H. PRUYN, Esq., &c., &c., &c., *Kanagawa.*

Mr. Seward to Mr. Pruyn.

No. 81.] DEPARTMENT OF STATE, *Washington, October 14, 1864.*

SIR: With reference to the despatch of Mr. John G. Walsh, United States consul at Nagasaki, (No. 19,) of July 20, informing this department of the ill treatment received by the American steamer Monitor from the Japanese authorities in the bay of Fukugawa, in the territory Nagato, I enclose herewith a copy

of the order of the President, suspending, for the time being, the departure of the steam gunboat *Funayma*, built at New York for the Japanese government.

It is to be hoped, however, that you may be able to inform this department of the amicable adjustment of this and other differences existing between the Japanese and United States government, so as to enable the President to revoke his order for the suspension of a clearance for the *Funayma*.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ROBERT H. PRUYN, Esq., *Kanagawa*.

Mr. Seward to Mr. Pruyn.

No. 82.] DEPARTMENT OF STATE, *Washington, October 17, 1864.*

SIR: Your telegraphic despatch from San Francisco, of the 14th instant, informing this department of the disgrace attached to the ambassadors who made the French convention, has been received.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ROBERT H. PRUYN, Esq., &c., &c., *Kanagawa*.

Mr. Seward to Mr. Pruyn.

No. 83.] DEPARTMENT OF STATE, *Washington, October 18, 1864.*

SIR: Your telegraphic despatch of October 14, from San Francisco, informing me of the legation indemnity having been paid, and of a written agreement having been given for the payment of the Pembroke indemnity, has been received, and will probably be approved. We will wait, however, for certain details to be given by mail.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ROBERT H. PRUYN, Esq., &c., &c., &c., *Kanagawa*.

Mr. Seward to Mr. Pruyn.

[Extract.]

No. 84.] DEPARTMENT OF STATE, *Washington, November 7, 1864.*

SIR: Your despatches Nos. 49, 50, and 51, 53, dated August 10, and No. 54, dated August 13, have been received, and have been read with much interest. The proceedings referred to in your latest communication were important, as well as apparently necessary, and it is earnestly hoped that your predictions may be verified by the result of the expedition sent to punish Choshu, and to open the straits of Simonoseki.

The disposition you propose to make of the sum paid to you as indemnity for losses occasioned by the firing of the legation building at Yedo is approved, and the department sees no objection to your defraying out of the interest money received by you in payment of the Pembroke claim the expenses incident to the presence of the *Jamestown* at Yedo, &c., provided the consent of the owners of the *Pembroke* be previously obtained. This would appear to be a necessary precaution to guard against any future reclamation which might be made by the parties interested in this case.

* * * * *

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ROBERT H. PRUYN, Esq., &c., &c., &c., *Kanagawa*.

